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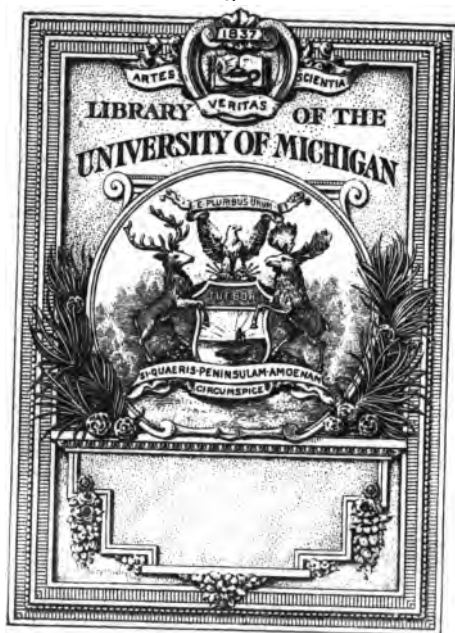
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THE
SCHOOL LAWS OF MICHIGAN, *Laws,
statute,
et.*

WITH

NOTES AND FORMS:

TO WHICH ARE ADDED

COURSES OF STUDY FOR COMMON AND GRADED SCHOOLS,

AND A LIST OF

RECOMMENDED TEXT BOOKS, &c.

PUBLISHED BY AUTHORITY.

JOHN M. GREGORY,
SUPERINTENDENT OF PUBLIC INSTRUCTION.

LANSING:
JOHN A. KERR & CO., PRINTERS TO THE STATE.
-:.....:-
1864.

INTRODUCTORY NOTE.

The edition of the School Laws published in 1859 being nearly exhausted, and the numerous and important changes in the laws rendering it needful to issue a new publication of the same, the Superintendent of Public Instruction has prepared this volume, in accordance with the requirements of the the statutes defining his duties, as follows:

Sec. 3. He shall prepare and cause to be printed, with the laws relating to Primary Schools, all necessary forms, regulations and instruments for conducting all proceedings under said laws, and transmit the same with such instructions relative to the organization and government of such Schools, and the course of studies to be pursued thereon, as he may deem advisable, to the several officers entrusted with their care and management.

Sec. 4. School laws, forms, regulations and instructions shall be printed in pamphlet form, with a proper index, and shall have also annexed thereto a list of such books as the Superintendent shall think best adapted to the use of the Primary Schools, and a list of books suitable for township libraries, with such rules as he may think proper for the government of such libraries.

In order to aid school officers to a more easy and correct administration of their offices, a codification of the substance of the laws, has been prepared to accompany the laws, and the notes have been thoroughly revised and considerably extended.

An expression of obligation to Professors C. I. Walker and T. M. Cooley, and other eminent legal counsel is due, for opinions upon doubtful or disputed points in the school laws.



COMPENDIUM OF THE SCHOOL LAWS.

The following codification of the substance of the school laws, has been made in order to bring together under the several appropriate heads the various provisions of the laws relating to those heads.

Our school laws are the growths of many successive years. To the original body of laws, a multitude of supplementary additions and amendments have been appended, by successive Legislatures, and thus it happens that provisions belonging to the same subject are often found widely scattered, and difficult of reference to inexperienced persons.

To aid the thousands of school officers in ascertaining their legal powers and duties, and in more easily understanding the laws they are to act under, or administer, this work has been attempted, and performed as well as our over-crowded time would permit.

The numbers of the sections are given, that the reader may readily refer to the law itself for the full statement of the several provisions. Officers should not fail to make such reference both to the law itself, and the notes accompanying and explaining it.

ORGANIZATION AND POWERS OF PRIMARY SCHOOL DISTRICTS.

1. Each organized township must be divided by the school inspectors into as many school districts as may from time to time be found necessary; but no primary districts may contain more than nine sections of land. *School Laws, section 71.*

Every duly organized school district is a body corporate, and possesses all the usual powers of a corporation for public

purposes, by the name and style of "School District Number — of — township," or "townships," and in that name may sue, and be sued, purchase, hold and sell such personal and real estate as the law allows. *Section 8.*

2. Whenever a new district shall be formed by the inspectors, the town clerk must notify a taxable inhabitant of such district of its formation and boundaries, and of the time and place appointed by the inspectors for the first meeting (*section 1*); and said inhabitant is required to notify every qualified voter in such district, either personally or by written notices left at their residences, at least five days before the time of the meeting, of the time and place appointed. *Section 2.* He must also make a return to the chairman of the first meeting, of the list of voters notified and of the dates of the several notices endorsed thereon. *Section 3.*

3. The first meeting, when assembled, is to be organized by the election of a chairman and clerk, and the legal voters present, including all white male residents of twenty-one years of age and over, liable to pay a district tax (*section 15*) shall proceed, by voice or by ballot, as they shall choose, to elect a district board, consisting of a moderator, elected for three years, a director, elected for two years, and an assessor, elected for one year. The successors of these officers, when elected, hold office three years each. *Section 5.*

When any two of the officers elected shall have duly filed their acceptances, the district is to be deemed duly organized. *Section 6.*

In case the inhabitants of a district fail to organize the same, as aforesaid, the town clerk is to give a new notice, when the same proceedings as above are required. *Section 7.*

In case no election of officers shall then be held in such district, or if the district fail to elect, the inspectors must appoint them from the resident male tax-payers of twenty-one years of age, or over; and the district is deemed organized when any two of these officers, thus appointed, have filed their acceptance. *Sections 146, 147.*

Every district that has exercised the functions of a school district for two years, is to be regarded as legally organized, notwithstanding any informality in the organization. *Section 10.*

4. The school inspectors may regulate and alter the boundaries of districts, as circumstances shall render proper; but no primary district shall contain more than nine sections of land, and must be of contiguous territory. *Section 71.*

They may, at his request, attach any resident of the township, not in an organized district, to some district; when he is to be considered a resident of such district for all purposes, except taxation for building a school-house; and on account of which house he is to be paid nothing when set off to a new district. *Section 72.*

5. When a portion of a district is detached for the purpose of forming a new district, said portion is entitled to receive from the old district its just proportion of the value of the school house, or other property of the district; the amount to be determined by the inspectors at the time of division, or as soon thereafter as may be, and assessed upon the property of the old district as newly constituted. *Sections 75, 76, 77, 78.*

6. Districts may be formed of territory in two or more townships, by the action and concurrence of the boards of inspectors of each of the townships; in which case they are to determine which township clerk shall give the required notice thereof to a taxable inhabitant. Such districts are commonly known as "fractional." The joint boards of inspectors may also alter such fractional districts, as they may deem necessary. Such a district reports to, and is to be regarded as being wholly in, the township in which the school-house is situated. *Sections 81, 139.*

7. A map of the township, with the boundaries and numbers of the districts clearly marked thereon, is to be made by the township clerk and kept in his office. A copy of this map is to be delivered to the supervisor of the township. Whenever the boundaries of any district shall be changed, the clerk is required to make a new map. *Sections 102, 103.*

ORGANIZATION OF UNION OR GRADED AND HIGH SCHOOL DISTRICTS.

1. Any district containing more than one hundred children between the ages of five and twenty years, may resolve itself into a union or graded school district, by a vote of two-thirds of the voters attending any annual meeting: *Provided, That* the intention to take such vote shall be expressed in the notice of such annual meeting. When such a change is voted, the meeting is immediately to elect from the legal voters, two trustees for one year, two for two years, and two for three years; and annually thereafter, two are to be elected for three years, and until their successors shall have filed their acceptances.

Section 148.

2. Within ten days, such trustees must file their acceptances with the director, and elect, annually, from their number, a moderator, director and assessor. If they fail to make these appointments within twenty days after the annual meeting, they are to be made by the school inspectors. *Section 149.*

3. When two or more contiguous districts, having together more than two hundred children between the ages of five and twenty years, shall severally, by a vote of two-thirds of the qualified voters attending the annual meetings of said districts, determine to unite for the purpose of establishing "graded or high schools," the inspectors of the township, or townships, in which such districts may be situated, shall, on being properly notified of such vote, proceed to unite such districts, and shall, as soon as practicable, appoint a time and place for a meeting of the new district, and shall require notices of the same to be posted in each of the districts so united, at least five days before the time of such meeting; and at such meeting the voters shall proceed to organize the district, by the election of six trustees as in section 148, (paragraph 1, above,) and transact any business that may be done at an annual meeting.

Section 152.

4. No alteration shall be made in the boundaries of a union school district, without the written consent of a majority of its district board. *Section 165.*

5. Any district, having more than 300 children of the legal school ages, may borrow money to build school-houses, and issue the bonds of the district therefor, on a two-thirds vote taken at an annual meeting, or at some special meeting held not less than five days nor more than six months thereafter. *Section 166.*

DISTRICT MEETINGS AND THEIR POWERS.—ANNUAL MEETINGS.

1. The annual meeting of each school district shall be held on the first Monday of September, and the school year shall commence on that day. *Section 11.*

The director is required to give six days notice of the place, the day and hour of the annual meeting, by posting notices in three of the most public places in the district; and one of the same is to be upon the door of the school-house, if there is one. *Sections 13, 50.*

2. At each annual meeting the district is to elect, for three years, a member of the district board in the place of the one whose term expires on that day. *Section 5.*

3. At the annual meeting, the district may determine the length of time a school shall be taught in the ensuing year, which shall not be less than three months; and whether by male or female teachers, or both; and whether the moneys apportioned for the support of schools therein shall be applied to the winter or summer term, or a certain portion to each. *Section 24.*

4. At each annual meeting, the director is required to present an estimate of the expenses necessary to be incurred during the ensuing year for necessary appendages for, and repairs of the school-house, and for payment for the services of any district officer; which amount may be voted and assessed like other district taxes. *Sections 48, 49.*

5. At each annual meeting, the district board must make a written report of all receipts and disbursements on the part of the district by them, or any one of them, with the items of the same, and of all taxes assessed upon property in the district

were assessed,] and the amount assessed for each purpose. *Sections 63, 64.*

6. At the annual meeting the district may vote a tax, not exceeding one dollar for every scholar in the district between the ages of four and eighteen years, for the support of schools in the district. *Section 140.*

7. At an annual meeting, any district containing over one hundred children between five and twenty years of age, may, by a two-thirds vote—notice of intention to take such vote having been given in the notice for such annual meeting—resolve to organize as a graded and high school district, with six trustees. *Section 148.*

8. The annual meeting of a graded school district, may, by vote, order the trustees to establish a high school therein. *Section 150.*

9. At each annual meeting of such district, the trustees are required to make a written statement of all receipts and expenditures on behalf the district during the preceding year, and an estimate of the amount necessary to be raised for the support of the schools for the ensuing year; and, at such meeting, the district may vote a tax sufficient to maintain its schools for the year. *Section 151.*

10. Two or more contiguous districts, having, together, more than two hundred children between the ages of five and twenty years, may, by a two-thirds vote at an annual meeting, severally resolve to unite to establish graded or high schools; upon which the inspectors are to unite such districts and appoint a meeting of the district so formed for the organization of the same by electing six trustees. *Section 152.*

SPECIAL DISTRICT MEETINGS, AND LEGAL VOTERS.

1. Special meetings may be called by the district board, or by any one of them, on the written request of any five legal voters of the district; but no special meeting can transact any other business than that specified in the notices of such meeting. *Section 12.*

All notices of special meetings shall specify the place, the day and the hour of meeting, and must be posted six days previous thereto in three of the most public places in the district—one of the same being on the school-house door, if there is one. *Section 50.* In case of a special meeting for establishing or changing the site of a school-house, ten days notice is required. *Section 13.*

2. If a primary school district board fail to fill any vacancy in said board within ten days after its occurrence, it may be filled by a special meeting called for that purpose. *Section 66.*

[The following provisions apply equally to annual and special district meetings. The several powers granted may be exercised at an annual meeting without notice of intention, but the special meeting is restricted to the objects specially mentioned in the notices.]

1. All taxable persons who have resided in the district three months, and are twenty-one years of age, are qualified voters at any district meeting; except that only white males can vote in the election of district officers. *Sections 15, 145.*

2. The moderator is the presiding officer at all district meetings, and in his absence the meeting may appoint a chairman *pro tem.* *Section 29.*

The director is clerk of the meeting, and shall keep a record of all proceedings. *Section 38.* In his absence the voters may appoint a clerk *pro tem.*, who shall certify the proceedings to the director. *Section 37.*

3. For persistent disorderly conduct at a district meeting, after notice from the chairman, any person may be ordered by the chairman to withdraw, and on refusal the chairman may order any constable or other person to take such disorderly person into, and hold him in, custody during the meeting. *Sections 30, 31.*

4. Any person offering to vote at a district meeting may be challenged as unqualified, by any legal voter; when the chairman shall inform him what are the qualifications of a voter, and if the challenge is not withdrawn he shall tender him an

oath in substance as follows: "You do swear (or affirm) that you are twenty-one years of age, that you have been a resident of this school district for the last three months, and are liable to pay a school district tax therein," and if the person challenged takes such oath he may vote on all questions at such meeting, *Section 16.*

If he refuses to take such oath his vote shall be rejected; and if he shall make such oath or affirmation falsely, he shall be deemed guilty of perjury. *Section 17.*

When the question is taken in any other way than by ballot, a challenge immediately after the vote has been taken shall be deemed made when offering to vote, and treated in the same manner. *Section 18.*

5. The voters may adjourn any district meeting from time to time, (*section 19*) provided that meetings to consider the subject of borrowing money for building union school buildings shall not be less than five days nor more than six months apart. *Section 166.*

6. A district meeting may designate or change a site for a school-house, by a vote of two-thirds of the voters present. *Section 19.* In districts having more than three hundred children between five and twenty years of age, if two-thirds of the voters present cannot agree upon a site, a majority of the voters may instruct the district board to locate the site. *Section 158.*

A district meeting may direct the purchasing or leasing of a site, and the building, hiring or purchasing of a school house, and the amount of fuel to be furnished, and the time and mode of furnishing it; whether by apportionment to persons having children to send to school, in wood, to be delivered at the school-house, or in money, to be assessed on a rate-bill, or by a tax on the property of the district; and to impose a tax sufficient therefor, subject to the restrictions of sections 22 and 59. *Section 21.*

7. A district meeting may impose such taxes as shall be necessary to keep the school-house in repair, and to provide the necessary appendages, and pay any legal liabilities of the dis-

trict; and may raise a sum not exceeding twenty dollars in one year, for the purchase of books of reference, globes, maps, or any apparatus for illustrating the principles of astronomy, natural philosophy and agricultural chemistry, or the mechanic arts. *Section 23.*

8. Any district meeting may direct the sale of any school house, site or other property, when the same is no longer needed for the use of the district. *Section 26.*

It may also give directions and make necessary provision in relation to any suit in behalf of, or against the district. *Section 27.*

9. Whenever a majority of the districts in a township shall vote to change the township library to district libraries, the inspectors may so divide the same. *Section 114.*

10. A district meeting may vote any surplus of money arising from the two mill tax, after sustaining school eight months during the year, for purchasing or enlarging school lot or lots; for building or repairing school-houses, or for the purchase of books for district library, maps and other school apparatus, or any incidental expenses of the school. *Section 172.*

SCHOOL-HOUSES AND SCHOOL-HOUSE SITES.

1. A site for a school-house may be established or altered by a vote of two-thirds of the voters at any regular meeting of the district. *Section 19.*

If the district cannot thus agree on a site, the school inspectors must fix the site and notify the director of their decision; and the site thus determined can only be changed by the inspectors, on the written request of a majority of the voters in the district. *Section 20.*

A district having over three hundred children between five and twenty years of age, may designate any number of sites for school-houses; and in case the voters cannot agree upon any site by a two-thirds vote, a majority may instruct the district board to locate the same. *Section 153.*

2. The purchase, lease, or sale of a school-house or site must

be executed by the district board, under the direction of a district meeting, and said board must also act as a building committee, unless the district shall appoint a special committee for that purpose. *Sections 21, 59.*

3. Not over two hundred dollars can be raised by tax in any one year, for a school-house in any district that has not more than thirty children in the school census; nor over three hundred dollars, unless it has more than fifty children in the school census; and no district can raise more than one hundred and eighty dollars for a school-house less than 24 by 30 feet, and ten feet between floors; or more than seventy-five dollars for a school-house of round or hewn logs. *Section 22.*

Taxes may be raised from time to time, to keep the school-house in repair, and for necessary appendages. *Section 23.*

4. Any school-house or site may be sold when not needed by the district. *Section 26.*

5. No stone or brick school-house is allowed to be built, except on a site held under a title in fee, or a lease for ninety-nine years; and no frame school-house, on any site not held in fee or under a lease for fifty years, without the right to remove said house whenever the district shall desire. *Section 59.*

6. The director is required to provide the necessary appendages for the school-house, and keep the same in good repair during the school terms. *Section 48.*

The care and custody of the school-house and other property of the district, belong to the district board, except so far as the same shall be specially confided to the director. *Section 65.*

7. When a portion of a district is set off to form a new district, said portion is entitled to receive from the district retaining the school-house the value of its share in the school-house. *Sections 75, 76.*

8. When a district establishes a site, and cannot agree with the owner upon the price to be paid for the same, or if for any cause a title cannot be obtained therefor, a jury may be summoned to determine whether such site is necessary, and the price to be paid therefor. *Sections 154 to 163 inclusive.*

9. A district with over three hundred children may borrow not exceeding fifteen thousand dollars for building purposes. *Section 166.*

POWERS AND DUTIES OF DISTRICT BOARDS IN PRIMARY DISTRICTS.

1. The district board, in a primary district, consists of the moderator, the director and the assessor. *Section 55.* These members are elected for three years each, one being elected each year, so that but one of them goes out of office at a time. *Section 5.* The board may fill any vacancy that may occur in their number if done within ten days of its occurrence; otherwise such vacancy must be filled by a special election. *Section 66.* The director is clerk of the board. *Section 37.*

2. The district board may call special meetings of the district, by posting three notices in public places in the district, six days previous to the meeting. If the meeting is to act upon the question of a school-house site, ten days notice must be given. *Sections 12, 13.* The object of the meeting must be specified in the notice.

3. It is the duty of the district board, or a majority of its members, to employ qualified teachers for the school. The contract must be signed by the director and moderator or assessor; but if the director refuses, the other officers may make and sign the contract without him. *Section 39.*

4. In case the district fails to determine, at the annual meeting, the length of school terms for the year, and whether male or female teachers shall be employed, and the apportionment of public money to the summer and winter terms, all these questions are to be decided by the district board. *Sections 24, 25.*

5. Between the time of the annual meeting and the second Monday in October, the board are required to report to the supervisor of each township in which any part of the district is situated, all taxes voted by the district, or imposed by the board during the preceding year. *Sections 56 and 84.* The board may impose taxes to pay for the tuition and text books of indigent pupils, and for the proportion of fuel to be furnish-

ed on account of such pupils. *Sections 57 and 58.* They may admit all such pupils to the school free of charge, and provide them with text books. *Ibid.*

6. The district board has the general care of the schools, and may make all needful regulations for its management. It must prescribe text books to be used in the school, but cannot change these text books within two years after they are prescribed, except by consent of the district given in some regular meeting. *Section 57.*

7. The board may admit non-resident pupils to the school, and fix and collect the tuition of such pupils. *Section 58.*

8. They may authorize or order the suspension or expulsion of any pupil guilty of gross misdemeanor or persistent disobedience. *Section 58.*

9. The district board must, in the corporate name of the district, purchase or lease the school-house site designated by the district, and build, hire, or purchase a school-house as the legal voters shall direct, except when a special building committee shall be chosen by the district. *Section 59.*

In case the district cannot agree with the owner upon the price for the school site selected, or is unable from any cause to procure a good title to such site, the district may apply to the circuit court commissioner of the county, or to any justice of the peace in the township for a jury to determine the just compensation to be paid for such site. This application must be in writing, and must accurately describe the boundaries of the site proposed. *Section 154.*

10. The board has the care and custody of the school-house and other school property of the district, including books purchased for indigent children, except so far as the same is specially confided to the director by vote of the district. *Section 65.*

11. They shall apply and pay over all school moneys, in accordance with the provisions of law, (*section 60,*) and shall present at each annual meeting a written report, giving an accurate statement of all moneys received by any of them in behalf of the

district, and of all disbursements made by them, with the items. *Section 63.* Such report must also contain a statement of the amount and purposes of all district taxes assessed upon the district during the preceding year. These reports must be recorded in the book kept for this purpose. *Section 64.*

12. In case the assessor shall fail to give bonds, or shall be unable to attend to the collection of the district rate-bills, the board shall appoint an acting assessor for that purpose. *Section 67.*

13. The district board have charge of the district library and may make all needful rules for its management, and assess and collect all fines for the injury or loss of books. They must appoint a librarian and decide upon the place of keeping the library in case it cannot be kept safely at the school-house. *Section 2 of library law.*

14. The board, unless otherwise ordered by the district, must purchase library books from the list selected and contracted for by the State Board of Education, and under the contract made by said Board of Education; and they must annually, or oftener, expend the library moneys coming into their hands. *Section 4 of library law.*

POWERS AND DUTIES OF BOARDS OF TRUSTEES OF GRADED AND HIGH SCHOOLS.

1. The district board of a graded or union school district consists of six trustees, two of whom are elected each year and hold their offices for three years. On the first organization of such a district, six trustees are elected, two for one year, two for two years, and two for three years. *Section 148.* These trustees must file written acceptances, the same as common district officers; and they must annually elect from their number, a moderator, a director and an assessor, whom they may remove for cause, and appoint others in their places. In case of failure to elect these officers by the board within twenty days, the township inspectors must appoint them from the trustees. *Section 149.*

The trustees may fill any vacancy that may occur in their

numbers till the next annual meeting, when the district shall fill it for the remainder of the term. *Ibid.*

2. The board of trustees are authorized to grade or classify the scholars, and cause them to be taught in such departments as they may deem proper, and may establish a high school when so ordered by the district. They may determine the qualifications for admission to the high school, and the rates of tuition to be paid therein. They may also employ teachers and prescribe courses of study, text books, and rules and regulation for all the schools, and rates of tuition for non-resident pupils. *Section 150.*

3. They must report, in writing, to each annual meeting, a statement of all receipts and expenditures on behalf of the district, and present an estimate of the amounts needful to be raised by the district to make the schools free the ensuing year. *Section 151.*

4. No alterations can be made, by the township inspectors, in the boundaries of a union school district without the written consent of a majority of the district board. *Section 165.*

5. In a district having over three hundred children of legal school ages, the district board may borrow money for purchase of site and building school-house, and issue the bonds of the district therefor, when properly authorized by a two-thirds vote taken at an annual, and also some subsequent meeting, the bonds not being for less amounts than fifty dollars each, with interest not exceeding ten per cent. and the aggregate debt of the district not exceeding fifteen thousand dollars. *Section 166.*

POWERS AND DUTIES OF THE MODERATOR.

1. The moderator of a primary district is elected by the legal voters at an annual meeting, and holds his office for a term of three years. He must file his written acceptance with the director within ten days after his election. *Section 5.* The moderator of a graded school district is elected annually by the board of trustees. *Section 149.*

2. The moderator presides at all district meetings, and may

order into custody, by a constable or other person, any one disturbing the good order of the meeting, and who may refuse to withdraw when commanded so to do. *Sections 29 and 30.*

In case of the moderator's absence, another presiding officer may be chosen. *Section 29.*

3. The moderator may call special meetings, on the written request of five legal voters. *Section 12.*

4. When the vote of any person is challenged, the moderator shall tender him the oath prescribed by *Section 16.*

5. The moderator must sign all warrants for the collection of rate-bills, and countersign all orders on the assessor, or warrants on the township treasurer for all moneys to be by them paid to or for the district. *Section 29.*

6. In case the director is unable to take the school census at the proper time, the moderator may take the same, or, with the assessor, may appoint some one to take it. *Section 41.*

7. The moderator, with the director, may extend the time, not exceeding thirty days, for the collection of rate bills. *Section 47.*

8. It is the duty of the moderator and assessor to audit the accounts of the director for moneys expended by him in keeping the school-house in repair, &c., and these accounts shall be paid on their written order. *Section 48.*

9. The moderator and director must require of the assessor to give bonds, with two sufficient sureties for double the amount of money liable to come into his hands. This bond is to be lodged with the moderator. *Sections 61 and 62.*

10. For neglect or refusal to serve when elected moderator, or for neglect to perform any duty as such officer, the penalty of ten dollars is prescribed. The moderator may also be removed by the township board for illegal use of public money, or for neglect or refusal to perform any official duty. *Sections 130, 136.*

11. In case a district having 300 scholars decides to borrow money and issue bonds, the moderator and director must execute such bonds as prescribed by law. *Sections 166 and 170.*

POWERS AND DUTIES OF DIRECTORS.

1. In the case of a new district, the director is elected, in the first instance, for two years. In all subsequent cases, he is elected, at an annual meeting, for three years, his election always occurring the year following the election of the moderator. He must file an acceptance with his predecessor, or with himself if the office was vacant, within ten days after his election. *Section 5.* In graded school districts he is elected annually by the trustees.

2. The director is the clerk of both the district and of the board, and must record all the proceedings in a book kept for that purpose, keep copies of annual reports, and preserve all books and papers filed with him. *Sections 37, 38.* In the proceedings of the first meeting of a new district, he shall record the township clerk's notice to a taxable inhabitant, and the return made by such inhabitant. *Section 4.*

3. The director may call a special meeting on the written request of five legal voters, (*section 12,*) and it is his duty to give the notices prescribed by law for all district meetings, always posting one of the three notices required on the door of the school-house. *Section 50.* The notices of meetings must specify the day, hour and place of meeting, and all notices of special meetings must specify the objects of such meeting. *Section 13.*

4. It is the duty of the director to make and sign the contract with the teacher. This contract must have also the signature of either the moderator or assessor, and in case the director refuses to make such contract, the other two officers may make and sign it. *Section 39.* It can only be made with a legally qualified teacher.

5. When so directed by a vote of the district, (*section 21,*) he shall, before the commencement of each school term, assess the amount of fuel to be furnished by each person sending to the school, and shall himself furnish the proportion of any person neglecting to furnish the same after five days notice, and charge the price of the same in such person's rate-bill. *Section 40.*

6. Within ten days before the annual meeting, the director must take the names of all children residing in the district, of legal school ages, and verify a copy of the same by oath, to be returned with the annual report to the township clerk. *Section 41.*

7. He must also furnish to each teacher on the commencement of the school, a copy of such list, and require such teacher to keep and return to him a record of the daily attendance of all children attending the school, with the age of each. At the close of the term, he shall, unless the school is free, make out a rate-bill in accordance with the teacher's roll. *Sections 42, 43, 44, 45 and 46.* The director and moderator may extend the time for collection of rate-bills. *Section 47.*

8. The director must keep the school-house in good repair during the terms of school, and provide all necessary appendages, keeping an accurate account of all expenditures made by him, and referring such account to the other officers for allowance and payment. He shall present to the annual meeting an estimate of the amounts necessary to be raised for these incidental expenses. *Sections 48 and 49.*

9. The director must appear, in behalf of the district, in all suits in which the assessor is the adverse party, unless the district shall direct otherwise. *Section 36.*

10. In townships having township libraries, the director is required to draw quarterly, from the library, the quota of books due his district, to act as librarian in loaning these books in his district, and return them at the end of the quarter. *Sections 51 and 52.*

11. He shall draw and sign all orders on the assessor or the township treasurer for all school or library moneys to be paid out to or for the district, and present the same to the moderator for his signature. *Section 53.*

12. The director is required to make the annual report to the township clerk for the school inspectors, in accordance with the provisions of law, and with the instructions of the Superintendent of Public Instruction. *Section 54.* Blanks are furnished annually by the Superintendent for these reports. In

fractional districts, the above report is to be made only to the clerk of the township in which the school-house is situated; but he must also make a report to the clerk of other townships in which any part of the district lies, of the number of legal school children in such parts of the district. *Sections 81 and 82.*

13. The director and moderator are bound to require of the assessor, a bond, with sufficient sureties, for the faithful application of school moneys; and on any forfeiture of such bond the director is required to prosecute for the collection of the same. *Sections 61 and 62.*

14. On the division of a district by the inspectors, the clerk certifies to the directors of the new districts formed, the share to be paid by one to the other for its share in the school-house and other property retained in the former district. *Section 104.*

The assessor also certifies to the director the amount of any final judgment obtained against the district. *Section 125.*

15. Any person duly elected director is bound to accept and serve, under a penalty of ten dollars for such refusal or neglect. *Section 130.* For persistent refusal or neglect to discharge any duty of his office, or for any misapplication of public moneys, the director is liable to removal. *Section 136.*

16. In *graded school districts*, the director is elected by the trustees, from their own number, for one year, and may be removed by them for cause. His powers and duties in such districts are the same, for the most part, as those of a director in a primary district. *Sections 149, 152.*

POWERS AND DUTIES OF ASSESSORS.

1. The assessor, in primary districts, is elected by the district at the annual meeting. In a newly organized district, he is elected for one year, or till the next annual meeting; but in all subsequent cases, for three years. He must accept the office, except for sufficient cause, and file his acceptance with the director, within ten days after his election, on penalty of a fine of ten dollars for refusal or neglect. *Sections 5 and 180.*

The assessor in graded school districts is elected annually by the trustees from their own number.

2. The assessor is a member of the district board, and as such, has equal powers with the other members in employing teachers, (*section 39,*) in calling special meetings, (*section 12,*) and in taking the census when the director is absent or disabled. *Section 41.* He acts with the moderator in auditing and paying director's accounts. *Section 48.*

3. He is also the treasurer and collector of the district, and, as such, is required to give bonds, with two sufficient sureties, for double the amount liable to come into his hands. *Section 61.* He must collect all rate-bills for tuition and fuel, duly made out by the director, (*section 32,*) and is empowered to collect the same by distress and sale of any goods, wherever found in the county, of persons refusing to pay, (*section 33,*) giving ten days notice of sale, as prescribed by law. *Section 34.* He must make return, at expiration of warrant, to the director, stating amounts collected and uncollected, with names of persons still owing rate-bills. *Section 35.* He is entitled to five cents on the dollar for collecting rate-bills, which amount must be added to rate-bill. *Section 45.*

4. The assessor, unless otherwise directed by a district meeting, must appear in behalf of the district, in suits in which the district is a party; except when he is interested adversely. *Section 36.* The assessor must certify both to the supervisor and to the director the date and amounts of all final judgments rendered against the districts, and in case of fractional districts, must certify to the supervisors of the several townships concerned. *Sections 125 and 127.*

5. He is to receive and hold all moneys coming to his district from property sold, and on account of its share in the value of any school-house or other property retained by a district from which his district has been set off, (*sections 77 and 78,*) and he should draw from the township treasurer on the proper warrant made by the moderator and director, all moneys raised by dis-

strict taxes, or by two mill tax on the property of the district, or apportioned to the district from school fund or from library funds. *Sections 29, 53, 97, 107.*

He must pay, from the proper funds, all orders properly drawn on him by the director and countersigned by the moderator, (*sections 29, 32,*) and he should keep an accurate account of all such receipts and expenditures. * *Section 63.*

6. An acting assessor may be appointed by the moderator and director, to collect rate-bills, whenever the assessor fails to give bonds, or is unable to make such collections. *Section 67.*

7. All suits against a district must be commenced by summons served on the assessor, at least eight days before the return day thereof. *Section 123.*

8. Assessors are liable, like other district officers, to fines or removal for neglect or refusal to perform duties, or for illegal use of school funds. *Sections 130, 136.*

TEACHERS.

1. No person, unless a graduate of the State Normal School, is a legally qualified teacher for a public school, who has not passed a public examination before the school inspectors of the township in which he proposes to teach, and procured their certificate, stating that he has been found of good moral character and of competent learning and ability to teach the common branches of education. This certificate must be given before the teacher begins his school, and may be granted for not less than six months, nor more than two years. *Section 85.* Persons holding certificates as graduates of the Normal School may teach in any township in which they shall file with the township clerk a copy of such certificate. *Section 2 of act approved Feb. 13, 1857.*

2. No public school moneys can be paid as wages to any but qualified teachers. *Section 60.*

3. The regular times for the examination of teachers, are the first Saturdays in October and November, and the second

Saturday in April, but the inspectors may make such examinations at other times. *Section 86 and 87.*

4. A teacher may be required, on five days notice, to appear for re-examination, and if he fails to appear or is found deficient, his certificate may be annulled. *Section 90.*

5. The teacher's contract must be in writing, and must be signed by two of the district officers. It must state the wages per week or month agreed on. *Section 39.*

6. The teacher should be furnished, by the director, with a list of the legal school children of the district, (*section 42,*) but whether such list is furnished or not, the teacher is bound to keep a record of the names and ages, and parents or guardians of the pupils attending school, and of the daily attendance of each pupil, and he must deliver such record to the director at the close of the term. *Section 43.*

POWERS AND DUTIES OF SCHOOL INSPECTORS.

1. The constitution and laws of the State require the election of one school inspector annually, in each township in the State. *Cons., art. 11, sec. 1; comp. laws, chap. 12, sec. 8.* The law further prescribes that the term of office shall be two years. The two inspectors, thus in office at the same time, together with the township clerk, who is also made by the constitution a school inspector, constitute the board of school inspectors. The township clerk is clerk of the board, and the inspector having the shortest term to serve is chairman and treasurer, and as such, must give bonds for the faithful appropriation of all moneys which shall come into his hands by virtue of his office. *Sections 68, 69.*

The compensation of inspectors is fixed by law, at one dollar per day, to be paid by the township, for the time employed in the discharge of their duties, except that they are not entitled to public pay for examining teachers on the days fixed by law, nor for more than six meetings in the year. *Sections 87, 91.*

2. The inspectors are required to divide the township into school districts, as may from time to time be necessary, giving

to no district more than nine sections of land (*section 71*); though they may attach any person residing in unorganized territory in the township, to any district to entitle him to send to the school. *Section 72*. They must number these districts, and may alter their boundaries, as they may judge proper.

When they organize a new district, the clerk must notify a taxable inhabitant of the district, of its formation and boundaries, and commanding him to notify all legal voters in the district of the time and place appointed by the inspectors for the first meeting. *Sections 1 and 2*. In case the voters fail to organize, the clerk must give a new notice. *Section 7*. If the voters then fail to elect officers, the inspectors must appoint them. *Section 146*.

When it is necessary to form a district out of parts of two or more townships, or to alter the boundaries of such district, the inspectors of each of such townships must concur, and they may direct which clerk shall give notice to taxable inhabitant. *Section 81*.

3. Whenever requested by a two-thirds vote of the annual meetings of two or more contiguous districts, having together more than two hundred children of legal school ages, the inspectors shall unite such districts into a graded school district, and appoint, and require notices to be given of, the time and place for the first district meeting. *Section 152*. They cannot alter the boundaries of a union or graded school district without the written consent of a majority of the district board. *Section 165*.

4. Whenever on old district, having a school-house, or other property, is divided to form new districts, the inspectors must appraise the value of the property, and determine the portion due the district which is cut off from the possession of such house or property. *Sections 75, 76*. This proportion must be certified to the supervisor and assessed by him on the taxable property of the district retaining the house, &c. *Section 77*. If the school-house is not desired by either of the districts, the

inspectors must advertise and sell the same, and apportion the proceeds. *Section 75.*

5. The board of inspectors must appoint one of their number to visit the schools of the township, once at least in each school term. *Section 74.*

6. The inspectors are required to examine all persons offering themselves as teachers in the township, in regard to moral character, learning and ability to teach, and to give certificates to those passing satisfactory examination, certifying the branches in which they have thus passed. *Section 85.* These examinations must be public, and no certificate can be granted unless they are satisfied the applicant is of good moral character, and has a thorough and accurate knowledge of the several branches usually taught in the common primary schools. *Section 88.*

They may reexamine any teacher, and may annul his certificate if he fails to appear for such reexamination after five days notice, or is found deficient. *Section 90.*

7. Meetings for the examination of teachers must be held the first Saturdays of October and November; and the second Saturday of April. *Section 86.* They may be held at other times, but not at public expense. *Section 87.* Ten days notice must be given of all such meetings of inspectors. *Sections 86, 91.*

8. When no site for a school-house can be established by the district, the inspectors of the township or townships in which the district is situated shall determine such site. *Section 20.*

9. The inspectors have charge of the township library, and make all needful rules for its regulation. *Sections 73, 114.* They must apply for and expend annually all library funds belonging to a township, purchasing the books for the library from the list and under the contract made by the State Board of Education, unless otherwise ordered by the township. *Section 73, and section 4 of library law.* They may also provide the necessary appendages, [book-case, labels and librarian's book] for the library, (*section 73;*) may establish the order in

which a "fractional" district shall draw books from the several townships, (*section 82*,) and may suspend, in their discretion, the quarterly distribution of the library books to the districts. *Section 144.*

The inspectors may divide the township library of any township among the districts, to become district libraries, whenever a majority of the districts request it. *Section 114.*

10. The inspectors must, between the first and fifteenth days of October, make out and deliver to the township clerk, duplicate reports to the county clerk, of the several particulars contained in the directors reports, and of the other matters required by law. *Section 79.* Before making this report, they must examine their records to see if the several schools have been taught by qualified teachers the requisite three months. *Section 80.* Any board of inspectors failing to make their annual report within the time limited therefor, shall be liable to pay the full amount lost by their failure, with interest thereon. *Section 132.*

11. They must also render to the township board, on Tuesday next preceding the township meeting, an account of moneys received and expended by them. *Section 94.*

12. Any person elected school inspector is liable to a penalty for refusing or neglecting to qualify or to perform any duty of his office. *Section 131.* He is also liable to removal from office for any illegal use of public moneys. *Section 136.*

DUTIES OF TOWNSHIP CLERK.

1. The township clerk is a school inspector, and clerk of the board of school inspectors. *Section 96.* He is to record their proceedings, prepare and record their reports, with the names of teachers licensed and dates of certificates, (*section 96*,) and keep the books and papers of the board. *Section 100.* He is required also to give notice of the board meetings. *Sections 86, 91.*

2. He is to apportion such school and library moneys as are to be apportioned to the districts in his townships. *Sections*

97, 98, 107, and section 3 of *district library law*. But no public school money can be apportioned to any district in which a school was not taught three months the previous year by a qualified teacher. *Constitution, Art. 13, Section 5*. These moneys are to be reported to him by the county treasurer, (*section 120*,) and from the township treasurer. *Section 110*. The library moneys voted from the two-mill tax, (*section 107*,) he should apportion to the districts, in case there are district libraries, and notify the township treasurer thereof as in case of school moneys. *Section 98, and section 3 of district library law*.

3. He is required to make a map of his township, showing the boundaries of the districts and their numbers, and shall make a new copy thereof whenever any alterations are made in such boundaries. He must furnish a copy of such maps to the supervisor. *Sections 102, 103*.

4. He shall give the prescribed notice to a taxable inhabitant when a new district is formed, (*section 1*,) and give a new notice if the district fails to organize, (*section 7*;) and must also certify to the supervisor the amount to be assessed upon the district retaining school-house, &c., when a district is divided. *Sections 83, 104*.

5. He is the township librarian and has the custody of the library, (*section 105*,) and it is his duty to distribute the books to the several districts once in three months, (*section 115*,) unless such distribution be suspended by the inspectors. *Section 144*.

6. The township clerk receives the directors' reports and certified census rolls, (*sections 41, 54, 99*,) and receives and transmits the inspectors' reports to county clerk. *Sections 79, 101*.

He shall also receive all communications, (including blanks, public reports, laws and circulars,) sent him by the Superintendent of Public Instruction, and dispose of the same as directed therein. *Section 100*.

7. The township clerk is liable to pay the amounts lost by his neglect or refusal to transmit reports. *Section 133*.

DUTIES OF THE TOWNSHIP TREASURER.

1. The township treasurer collects and returns all school taxes in the same manner and for the same compensation as other laws. *Section 106.*

He is to receive from the supervisor, with his warrant for the collection of taxes, a written statement of all school and library taxes, and of all taxes imposed upon the taxable property of each district, with the names of the districts or persons to whom any portions of such taxes are due, (*section 108;*) and he is required to retain in his hands, after deducting from the moneys collected by him the amount of the tax for township purposes, the full amount of all school taxes, and hold the same subject to the orders of the proper district or township officers or persons. *Sections 29, 53, 78, 109, 128.*

2. It is his duty to apply to the county treasurer for the school and library moneys due his township or the districts thereof, and notify the township clerk of the amounts. *Sections 98, 110, 120.*

3. He shall sue for and recover moneys forfeited by the inspectors, or township or county clerks by failure to make reports; and pay over the same, in the same manner and in the same proportion in which he would have paid over the moneys lost by the neglect of those officers. *Sections 132, 133, 134, 135.*

4. The supervisor must certify to the township treasurer, the amounts of school taxes levied on any property in his township, belonging to fractional districts whose school-houses are in other townships; and the treasurer must pay over the moneys raised on such property, to the treasurers of the townships in which the school-houses are situated. *Section 142.* The latter treasurers are required also to apply for such moneys, and report the same with the other school moneys to the township clerk. *Section 143.*

DUTIES OF SUPERVISOR.

1. It is the duty of the supervisor to assess upon the taxable property of each district, (*section 106,*) and part of district, (*section 84,*) in his township, all school taxes properly reported to him by the officers of such district, (*section 56,*) or by the township clerk, (*sections 77, 104,*) together with the amount of any final judgment against the district. *Sections 125, 128.* He must also assess two mills upon each dollar of the taxable property of his township for the support of schools therein. *Section 107.*

2. Each supervisor within whose township any part of a fractional district is situated must certify to the supervisors of townships in which the other parts of such district lie, the amount of taxable property in the part lying in his township. The full amount of taxes to be levied upon such district, or of any judgment against it is to be certified to the supervisor of each township in which any part of the district lies. *Sections 84, 127.*

3. The supervisor must deliver to the township treasurer, together with the warrant for the collection of taxes, a written statement of the amount of school and library taxes, and of all other district taxes or judgments levied on each district, with names of persons having such judgments assessed, and the amount payable to each. *Section 108.* He is to certify also, at the same time, the amount of the two mill tax levied upon any property in the township, belonging to a fractional district, whose school-house is situated in some other township. *Section 142.*

4. The supervisor is liable to each district, for the amount lost to such district by his neglect or refusal to assess the two mill tax, and such amount, with the interest thereon, may be recovered from him by suit brought by the assessor. *Section 141.*

DUTIES OF COUNTY OFFICERS.

1. The duties of the county clerk, in school affairs, are simply to receive and transmit communications (books, blanks, &c.,)

from the Superintendent of Public Instruction, (*section 111,*) to receive and file copies of the inspectors' reports, and to send duplicate copies thereof to the Superintendent. *Section 112.* He is liable for losses incurred by his neglect. *Section 134.*

2. The county treasurer is required, between the first and tenth days in April, to apportion all funds received from fines, penalties, or recognizances to the several townships, for the support of libraries. *Section 116.* He must also apply for and receive the moneys apportioned to his county from primary school fund, and give immediate notice to the township clerks, and the same to treasurers, of the amounts apportioned to their several townships. *Section 120.* In certain cases the county treasurers are to receive moneys from school districts to pay for school-house sites, (*section 160,*) and he must pay over such moneys on the proper order. *Section 167.*

NON-RESIDENT PUPILS.

1. Non-resident pupils may be admitted to the schools and the rates of their tuition fixed and collected by the district board. *Sections 58, 151, 164.*

2. A non-resident who pays taxes in the district, may send scholars to any school therein, and may be reckoned in the census, provided that his own district has voted to have no school for the year, or if he does not reside in any organized district. *Section 137.*

SCHOOL-HOUSES AND SITES.

1. A site for a school-house can only be established or changed by a vote of two-thirds of the legal voters present at the meeting. *Section 19.* When such vote cannot be obtained, the inspectors are to determine the site. The site thus fixed may be changed by the inspectors on a written request of a majority of the voters. *Section 20.*

2. A district having more than three hundred school children may designate any number of sites for school-houses, including one for a union school, and if two-thirds of the voters.

cannot agree upon said site, a majority may direct the board to select it. *Section 153.*

3. The site must be purchased or leased by the district board in the corporate name of the district, (*section 59,*) and as the voters shall direct. *Section 21.*

4. If the district and the owner cannot agree upon a price for the site fixed on, or if a good title cannot for any reason be obtained, an application may be made by the district board to the circuit judge, circuit court commissioner, or a justice of the peace in the township, for a jury to ascertain and determine the just compensation for such site. *Section 154.* For further proceedings see sections following 154.

5. A school-house shall be purchased, hired or built by the district board, (*section 59,*) as directed by the legal voters, (*section 21,*) unless in case of building, the voters appoint a building committee. *Section 59.* The board may also sell any site or other property as directed. *Section 59.*

6. A district having less than thirty school children cannot raise more than \$200 in any one year to build or purchase a school-house. A district having over thirty but not over fifty children may raise not exceeding \$300 a year. Not more than \$180 in all can be raised to build a school-house less than 24 by 30 feet and ten feet between the floors; or more than \$75 for a log school-house. *Section 22.*

7. A brick or stone school-house can be built only on a site held in fee by the district, or under a lease for ninety-nine years; and a frame school-house cannot be built on a site leased for less than fifty years, without securing the privilege of removal of the same. *Section 59.*

8. Taxes may be voted to keep the school-house in repair and to purchase appendages for the same. *Section 23.* It is the duty of the director to provide all necessary appendages, and to keep the school-house in good repair during school terms. *Section 48.*

9. Any district having more than three hundred school children, may borrow money and issue bonds therefor, not exceed-

ing in the aggregate, \$15,000 and not paying above ten per cent. interest, to purchase a site for a union school-house and erect buildings and furnish the same. *Section 166.*

10. Whenever by the division of a district the school-house is no longer desired by either of the new districts, the school-inspectors may sell the same. *Section 75.*

SCHOOL FUNDS AND TAXES.

1. The interest of the State primary school fund is apportioned annually, by the Superintendent of Public Instruction, in the month of May. *Section 119.* It is distributed only to those districts which had three months of school taught by a qualified teacher, the preceding year, (*Cons., Art. 13, Sec. 5;*) and is apportioned on the number of children between the ages of five and twenty years residing in those districts. *Section 119.* These moneys are paid on the warrant of the Auditor General to the county treasurers, and distributed by them to the township treasurers, by whom it is paid to the districts, on the warrants of the district moderator and director, (*sections 120, 53,*) the amount due each district being apportioned and certified to the treasurer by the township clerk. *Section 97.* In the apportionment of the primary school moneys a fractional district is considered as belonging wholly to the township in which its school-house is situated. *Section 139.*

2. A tax of two mills upon each dollar of taxable property is assessed annually in each township, for the support of schools. Out of this, so much as is voted at the annual township meeting, must be reserved by the treasurer for libraries; the remainder belongs to the districts in which it was raised, provided such districts had three months of legal school the preceding year. The amounts raised upon districts not having such school, and upon property not in any organized district, must be apportioned by the township clerk in the same manner as the primary school moneys. *Section 107.* No part of either of the above funds, or of any moneys raised by tax, can be paid to any teacher who has not received a certificate before commencing

school, (section 60,) unless a surplus shall remain after maintaining the school eight months. This surplus may be used for other school or library purposes. *Section 172.*

3. The part of the two-mill tax raised upon property in a fractional district must be all paid over to the treasurer of the township in which the school-house of the district is situated. *Sections 142, 143.*

4. Any district may, at its annual meeting, vote a tax not exceeding one dollar for every scholar between the ages of four and eighteen years, for the support of the district school. *Section 140.*

5. Graded school districts may raise by vote at the annual meetings, any sum necessary to support the schools for the ensuing year, as shown by the estimates of the school board. *Section 151.*

6. Districts may also raise taxes for the following purposes, viz: 1st. For the purchase or lease of a school house site; 2d. To purchase, hire or build school-houses; but no district with less than thirty school children can raise more than \$200 a year, and no district with less than fifty school children can raise over \$300 a year; and no more than \$180 in all can be raised to build or purchase a school-house smaller than 24 by 30 feet and ten feet between floors, and no more than \$75 for a log school-house, (section 22,) and no land can be taxed for building a school-house, unless some portion of every legal subdivision of the same is within two and one-half miles of such school-house. *Section 71.* 3d. To purchase fuel, (section 21,) to keep the school-house in repair, to provide appendages, and to pay lawful debts and liabilities of the district. *Section 23.* 4th. To purchase apparatus, books of reference, &c., not exceeding twenty dollars in a year. *Section 23.* 5th. For the payment of necessary expenses and for services of any district officer. *Section 49.* 6th. To pay the principal or interest of borrowed money. *Section 171.*

7. The district board are authorized and required to report to the supervisor, for assessment with the district taxes, the

amounts expended by them for books for indigent children, amounts due on rate-bills, the tuition and fuel of persons whom they shall exempt from payment of tuition, and such sums as cannot be collected on rate-bills. *Section 57.*

8. All taxes voted by the district, or imposed as above by the board, must be reported in writing by the district board, to the supervisor of the township, before the second Monday in October. *Section 56.* The supervisor must certify to all other supervisors concerned, the amount of taxes to be raised in fractional districts. *Section 84.*

9. The amount due from one district to any other cut off therefrom, for the latter's share in the school-house, &c., is determined by the inspectors and reported by the township clerk to the supervisor, to be raised as a district tax. *Sections 77, 104.*

10. Any final judgment obtained against a district must be certified to the supervisor, and assessed, with the interest thereon, as a district tax. *Section 128.*

11. All school taxes, whether district or township, are assessed by the supervisor, and collected by the township treasurer. *Section 106.*

12. The amounts collected on school taxes are payable after the amounts collected for township expenses, (*section 109,*) and before the highway taxes. *Comp. laws, chap. 17, sec. 57.*

13. All school moneys lost through the neglect of school inspectors, or other township or county officers, are to be collected by suit, and put in place of the moneys lost. *Section 135.*

14. If a district shall be divided after a tax is assessed, but before it is collected, the collection must go on as if there had been no division; but the proceeds must be apportioned equitably to the new districts formed, in proportion to their share of the property taxed. *Section 138.*

LIBRARIES AND LIBRARY FUNDS.

1. The State Constitution provides that "the Legislature shall provide for the establishment of at least one library in each township; and all fines assessed and collected in the sev-

eral counties and townships for any breach of the penal laws, shall be exclusively applied to the support of such libraries."

Art. 13, section 12.

2. A township library is accordingly to be maintained in each township, free to parents and guardians of school-children, and governed by regulations established by the inspectors, except in those towns in which the township library has been divided into district libraries. *Section 114.*

3. Once in three months these books are to be distributed to the districts; the directors drawing the same, and loaning or distributing them as a sort of district library, and at the end of the three months returning them and drawing another quota. *Sections 51, 115.* This quarterly distribution may be suspended by the inspectors, and readers be permitted to draw books directly from the township library. *Section 144.* Fractional districts can draw from but one township library at the same time, and in the order prescribed by the inspectors. *Section 82.*

4. In 1859 it was enacted that each township should vote whether to retain the township library, or to divide the same permanently into district libraries. *Section 1 of library law.* The inspectors may now divide any township library into district libraries, whenever requested by a majority of the districts. *Section 114.*

5. The State Board of Education is required to select a list of books suitable for township and district libraries, and contract with the lowest bidder to furnish the same, at the stipulated prices, to the districts or townships ordering them. The list of books with the contract prices shown thereon is sent annually, by the Superintendent of Public Instruction, to the school directors and township clerks; and the district boards and school inspectors are required to purchase books for their district or township libraries from this list and under the contract, except the district or township shall order them to purchase elsewhere. *Section 4 of library law.*

6. The township clerk is the librarian, and has the custody of the township library. *Section 105.* The district board are re-

responsible for the safe keeping of the district library, and must appoint a librarian, and prescribe the time for drawing and returning books. They must determine the place of keeping the library, if the school-house is not secure, and assess and collect all penalties for loss or damage of books. *Section 2 of library law.*

7. The clear proceeds of all fines, penalties and forfeited recognizances collected under the penal statutes of the State, and of all equivalents for military duty, belong to the library funds. They must be paid to the county treasurer, and be by him apportioned to the townships, annually, between the *first* and *tenth* days of April, according to the number of children of legal school ages. *Section 116.*

The township treasurers must apply for and receive these library moneys, (*section 110,*) and pay the same to the inspectors in case there is a township library, (*section 73,*) or to the order of the district boards in case of district libraries. *Section 3 library law.*

SUITS AT LAW.

1. Justices of the peace have jurisdiction in all cases of assumpsit, debt, covenant and trespass on the case against a school district, when the amount claimed does not exceed one hundred dollars, and the parties have the same right of appeal as in other cases. *Section 122.*

2. Suits against a district must be commenced by summons served on the assessor, at least eight days before the return day. *Section 123.*

3. No execution shall be issued on any judgment against a district, nor shall any suit be brought thereon, (*section 124;*) but the amount of such judgment shall be reported by the assessor, or if he fails, by the party obtaining the same, to the supervisor, who shall assess the same with the taxes upon the taxable property of the district. *Sections 125 to 128.*

PROVISIONS OF THE CONSTITUTION RELATIVE TO EDUCATION.

Article Thirteen of the Constitution of Michigan, under the head "Education," makes the following provisions:

SECTION 1. The Superintendent of Public Instruction shall ^{Superintendent.} have the general supervision of public instruction, and his duties shall be prescribed by law.

Sec. 2. The proceeds from the sales of all lands that have ~~School Lands~~ been or hereafter may be granted by the United States to the State, for educational purposes, and the proceeds of all lands or other property given by individuals, or appropriated by the State for like purposes, shall be and remain a perpetual fund, ~~Perpetual~~ the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

Sec. 3. All lands, the titles to which shall fail from a defect ~~Escheats~~ of heirs, shall escheat to the State; and the interest on the clear proceeds from the sales thereof, shall be appropriated exclusively to the support of primary schools.

Sec. 4. The Legislature shall, within five years from the adoption of this Constitution, provide for and establish a system ^{Free schools to be provided.} of primary schools, whereby a school shall be kept without charge for tuition, at least three months in each year, in every school district in the State; and all instruction in said schools shall be conducted in the English language.

Sec. 5. A school shall be maintained in each school district ^{District schools.} at least three months in each year. Any school district neglecting to maintain such school, shall be deprived for the ensuing

Penalty for not having school. year of its proportion of the income of the primary school fund, and of all funds arising from taxes for the support of schools.

Regents of University. Sec. 6. There shall be elected in each judicial circuit, at the time of the election of the judge of such circuit, a Regent of the University, whose term of office shall be the same as that of such judge. The Regents thus elected shall constitute the Board of Regents of the University of Michigan.

Regents a body corporate. Sec. 7. The Regents of the University, and their successors in office, shall continue to constitute the body corporate, known by the name and title of "The Regents of the University of Michigan."

Reg'ts elect President of University. Supervision Sec. 8. The Regents of the University shall, at their first annual meeting, or as soon thereafter as may be, elect a President of the University, who shall be *ex officio* a member of their board, with the privilege of speaking, but not of voting. He shall preside at the meetings of the Regents, and be the principal executive officer of the University. The Board of Regents shall have the general supervision of the University, and the direction and control of all expenditures from the University Interest Fund.

State Board of Education. Sec. 9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of a State Board of Education—one for two years, one for four years, and one for six years; and at each succeeding biennial election there shall be elected one member of such Board, who shall hold his office for six years. The Superintendent of Public Instruction shall be *ex-officio* a member and secretary of such board. The board shall have the general supervision of the State Normal School, and their duties shall be prescribed by law.

Asylums. Sec. 10. Institutions for the benefit of those inhabitants who are deaf, dumb, blind or insane, shall always be fostered and supported.

Agricultural School. Sec. 11. The Legislature shall encourage the promotion of intellectual, scientific and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an Ag-

ricultural School. The Legislature may appropriate the twenty-two sections of salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have been already sold, and any land which may hereafter be granted or appropriated for such purpose, for the support and maintenance of such school, and may make the same a branch of the University, for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the Regents of the University.

Sec. 12. The Legislature shall also provide for the establishment of at least one library in each township; and all fines assessed and collected in the several counties and townships for any breach of the penal laws, shall be exclusively applied to the support of such libraries.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

By an act approved April 4th, 1851, (page 708 compiled laws—as amended, page 319, laws of 1863,) the duties of the Superintendent of Public Instruction are thus defined:

Superintendent to have general supervision of Public Instruction. Annual Report.

SECTION 1. The Superintendent of Public Instruction shall have general supervision of public instruction, and it shall be his duty, among other things, to prepare annually and transmit a report to the Governor, to be transmitted by him to the Legislature at each biennial session thereof, containing:

1. A statement of the condition of the University and its branches, of all incorporate literary institutions, and of the primary schools;

2. Estimates and amounts of expenditures of the school money;

3. Plans for the improvement and management of all educational funds, and for the better organization of the educational system, if in his opinion the same be required;

4. The condition of the Normal School;

5. The annual report and accompanying documents, as far as he shall deem the same of sufficient public interest, of the Board of Control of the State Reform School;

6. All such other matters relating to his office, and the subject of education generally, as he shall deem expedient to communicate.

Report to embody abstracts of reports of inspectors.

Sec. 2. He shall make all necessary abstracts of the reports of school inspectors, transmitted to him by the clerks, and embody so much of the same in his report as may be necessary.

To prepare forms, regulations, etc., for school officers.

Sec. 3. He shall prepare and cause to be printed, with the laws relating to primary schools, all necessary forms, regulations and instruments for conducting all proceedings under said

laws, and transmit the same with such instructions relative to the organization and government of such schools, and the course of studies to be pursued therein, as he may deem advisable, to the several officers entrusted with their care and management.

Sec. 4. School laws, forms, regulations and instructions shall be printed in pamphlet form, with a proper index, and shall have also annexed thereto a list of such books as the Superintendent shall think best adapted to the use of the primary schools, and a list of books suitable for township libraries, with such rules as he may think proper for the government of such libraries.

School laws, forms, etc., to be printed.

Sec. 5. He shall annually, on receiving notice from the Auditor General of the amounts thereof, apportion the income of the primary school fund among the several townships and cities of the State, in proportion to the number of scholars in each between the age of five and twenty years, as the same shall appear by the reports of the several township inspectors of primary schools, made to him for the year last closed.

Apportionment of primary school fund.

Sec. 6. He shall prepare annually a statement of the amount in the aggregate, payable to each county in the State from the income of the primary school fund, and shall deliver the same to the Auditor General, who shall thereupon draw his warrant upon the State Treasurer in favor of each county for the amount payable to such county.

To furnish Aud. General with annual statement of the amount payable to each county.

Sec. 7. He shall also send written notices to the clerks of the several counties, of the amount in the aggregate, to be disbursed in their respective counties, and the amount payable to the townships therein respectively; which notice shall be disposed of as directed by an act entitled "an act to amend chapter fifty-eight of the revised statutes of one thousand eight hundred and forty-six," approved March twenty-eight, one thousand eight hundred and fifty. (Section 112, school law.)

Notice to county clerk of amount to be disbursed in each county.

Sec. 8. Whenever the returns from any county, township or city, upon which a statement of the amount to be disbursed or paid to any such county, township or city, shall be so far de-

Rates of apportionment, how ascertained when reports defective. defective as to render it impracticable to ascertain the share of public moneys which ought to be disbursed or paid to such county, township or city, he shall ascertain, by the best evidence in his power, the facts upon which the ratio of such apportionment shall depend, and shall make the apportionment accordingly.

In what cases deficiency may be apportioned the next year. Sec. 9. Whenever, by accident, mistake, or any other cause, the returns from any county, township or city, upon which a statement of the amount to be disbursed to any such county, township or city, shall not contain the whole number of scholars in such county, township or city, entitled to draw money from said fund, by which any such county, township or city, shall fail to have apportioned to it the amount to which it shall justly be entitled, the Superintendent, on receiving satisfactory proof thereof, shall apportion such deficiency to such county, township or city, in his next annual apportionment.

Interest on Educational Fund; how computed and how paid. Sec. 10. Upon all sums paid into the State treasury upon account of the principal of any of the educational funds, except where the provision is or shall be made by law, the treasurer shall compute interest from the time of such payment, or from the time of the last computation of interest thereon, to the first Monday of April in each and every year, and shall give credit therefor to each and every school fund, as the case may be; and such interest shall be paid out of the general fund.

To deliver to successor, books, papers, etc. Sec. 11. The Superintendent shall at the expiration of his term of office, deliver over, on demand, to his successor, all property, books, documents, maps, records, reports, and all other papers belonging to his office, or which may have been received by him for the use of his office.

Certain enactments repealed. R S of 1846, Chap. 56, 1850, p. 181. Sec. 12. Chapter fifty-six of the Revised Statutes of one thousand eight hundred and forty-six, and an act to amend said chapter fifty-six, approved March twenty-ninth, one thousand eight hundred and fifty, are hereby repealed

PRIMARY SCHOOL LAW,

WITH NOTES AND INSTRUCTIONS BY THE SUPERINTENDENT OF
PUBLIC INSTRUCTION.

DISTRICTS.

SECTION 1. Whenever the board of school inspectors of any township shall form a school district therein, it shall be the duty of the clerk of such board to deliver to a taxable inhabitant of such district a notice in writing of the formation of such district, describing its boundaries, and specifying the time and place of the first meeting, which notice, with the fact of such delivery, shall be entered upon the record by the clerk.

When new district is formed township clerk to deliver notice to taxable inhabitant.

Sec. 2. The said notice shall also direct such inhabitant to notify every qualified voter of such district, either personally or by leaving a written notice at his place of residence, of the

Inhabitant to serve notice.

(Section 1.) 1. The power and duty of dividing the territory of a township into school districts are vested in the school inspectors, (section 71,) and they are not required to wait for any petition or request of the inhabitants, before proceeding to exercise this power. They should form districts as fast as the wants of the people shall, in their judgment, demand it, taking care to keep the districts as large and compact in form as practicable.

2. The district must be properly numbered when formed, and care should be taken not to repeat any number, even in case of fractional districts.

3. The place of the meeting should be within the bounds of the district, and may be a private house, the consent of the owner or occupant being gained.

(Sections 2-4.) 1. Any taxable inhabitant who shall receive the notice mentioned in sections 1 and 2, and shall refuse or neglect duly to serve such notice, incurs a penalty of five

Duty to
serve; see
section 129.

time and place of said meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the qualified voters of said district accordingly.

Return of
notice.

Sec. 3. The said inhabitant, when he shall have notified the qualified voters as required in such notice, shall endorse thereon a return, showing such notification, with the date or dates thereof, and deliver such notice and return to the chairman of the meeting.

Notice and
return to
be recorded.

Sec. 4. The said chairman shall deliver such notice and return to the director chosen at such meeting, who shall record the same at length, in a book to be provided by him, at the expense of the district, as a part of the records of such district.

dollars. The chairman of the first meeting, under the notice, also incurs a penalty of five dollars, for any neglect of the duty prescribed for him by section 4. *Section 129.*

2. The omission to notify one or several persons not known to be residents of the district, will not invalidate the action of the majority of the legal voters in organizing the district, if there was no fraudulent intent in the omission.

3. The returns endorsed upon the notice, or attached to it, must show the names of all the persons notified, and the date of each one's notification.

4. The term "qualified voters," is defined by section 145, passed February, 1855, "to mean and include all taxable persons residing in the district, of the age of twenty-one years, and who have resided therein for the period of three months next preceding the time of voting;" but no one except a white male resident tax payer, twenty-one years of age, can vote in the election of officers. (See sections 145 and 15.) In all other cases the term includes both males and females, citizens and foreigners, without distinction of color, who have the foregoing qualifications.

5. The qualified voters, having assembled, should organize the meeting by choosing a chairman and clerk, and the person holding the notice and return for the meeting, should deliver the same to the chairman.

6. As great importance often attaches to the record of the

Sec. 5. The qualified voters of such district, when assembled pursuant to such previous notice, and all existing districts, at their annual meeting in the year one thousand eight hundred and fifty-nine, shall elect from the qualified voters of such district, a moderator for three years, a director for two years, and an assessor for one year; and on the expiration of their

Election of
officers.

proceedings of meetings, this record should be invariably read to the meeting for approval before the adjournment.

(Section 5.) 1. The intention of the law is, that after the first instance, all district officers shall be elected for three years each, and that only one shall be elected each year, except in case of vacancies. Thus when the term of office of the first assessor, which is but one year, shall expire, his successor shall be elected for three years. The first director's term of office will expire with the second year, when his successor must be elected for three years. The law allows the new officer ten days time in which to file his acceptance, and as it cannot have been designed that the district should be without one of its officers during that time, it must be held that the old officer holds his office till his successor files his acceptance, but not beyond the ten days. If the acceptance is not filed within that time the office becomes vacant and must be filled as provided in section 66.

2. Should any district office become vacant before the expiration of the three years, a new officer must be appointed or elected to serve out the unexpired term. *See section 66.*

3. As the law provides that the annual meeting of each school district shall be held the first Monday of September, the time intervening between the first meeting of a newly organized district, and the first Monday in the following September, must be counted as one year in the terms of office.

4. As the officers elect of a newly organized district must file their acceptance with the director, he must necessarily file and record his own acceptance. This case of an officer filing his acceptance with himself will also occur whenever the same director is elected two terms in succession. In ordinary cases

respective terms of office, and regularly thereafter, their several successors shall be elected for a term of three years each. Within ten days after their election, these several officers shall file with the director a written acceptance of the offices to which they shall have been respectively elected, which shall be recorded by said director.

When a district is deemed organized.

Sec. 6. Every such school district shall be deemed duly organized, when any two of the officers elected at the first meeting shall have filed their acceptance as aforesaid.

the new director should file his acceptance with the old director. An informality in this respect will not, however, invalidate the election.

5. Section 146, passed in 1855, provides that in case the qualified voters of a newly formed district fail to elect district officers, the township board of school inspectors shall appoint such officers.

6. A majority of the qualified voters voting is necessary to a valid election of any officer. An election by a *plurality* vote (a vote in which one candidate has more votes than any other one, but not a majority of all the votes cast) can only be made valid by a special provision of law, such as provides for our State, county, and township elections. Many eminent lawyers of this State, concur in the opinion that a *majority* of all the votes are necessary to a valid election in a school district.

7. The election may be either by ballot or by voice, but in either case an accurate count should be made, to ascertain whether any candidate has a majority of all the votes given. The better and safer way is to elect by ballot.

8. In case all the offices become vacant, no special meeting can be called to elect as provided in section 66. In such case the voters may apply to the inspectors, who may appoint as provided by section 146, or the legal voters may assemble at the usual time and place, at the next annual meeting and elect a successor to the officer whose term would expire that day and fill the vacancies for the unexpired terms.

(Section 6.) 1. Should the officers elected be present and file their acceptances, the district may be considered duly organ-

Sec. 7. In case the inhabitants of any district shall fail to organize the same in pursuance of such notice as aforesaid, the said clerk shall give a new notice in the manner hereinbefore provided, and the same proceedings shall be had thereon as if no previous notice had been delivered. New notice in case of failure to organize.

Sec. 8. Every school district organized in pursuance of this chapter, or which has been organized and continued under any provision of law of the State or territory of Michigan, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "School District Number —, (such number as shall be designated in the formation thereof by the inspectors,) of —," (the name of the township or townships in which the district is situated,) and in that name shall be capable of suing and being sued, and of holding such real and personal estate as is authorized to be purchased by the provisions of this chapter, and of selling the same. Corporate powers of districts.

Sec. 9. The record made by the director, as required by the fourth section of this chapter, shall be *prima facie* evidence of the facts therein set forth, and of the legality of all proceedings in the organization of the district prior to the first district meeting; but nothing in this section contained shall be so construed as to impair the effect of the record kept by the school inspectors as evidence. Director's record evidence.

ized; but it has been held that, as the meeting was called for the sole purpose or organizing, no further business can be transacted. A special meeting should be called, as provided in section 12, to transact whatever business may be necessary for the establishment of a school.

2. Persons elected to district offices, and neglecting or refusing, without sufficient cause, to file their acceptance or serve in office, forfeit the sum of ten dollars.

3. No person can act legally as an officer until after his acceptance has been properly filed. (See form No. 4.) In case of failure to file an acceptance within ten days after the election, the office is to be considered vacant.

(Section 7.) 1. If, after the second notice, the inhabitants fail to organize, the inspectors may proceed to complete the organization by appointing officers as provided in section 146. (See form 17)

Presumpt'n
of legal or-
ganization.

Sec. 10. Every school district shall, in all cases, be presumed to have been legally organized, when it shall have exercised the franchises and privileges of a district for the term of two years.

DISTRICT MEETINGS.

Annual
meeting.

Sec. 11. The annual meeting of each school district shall be held on the first Monday of September in each year, and the school year shall commence on that day.

Special
meeting.

Sec. 12. Special meetings may be called by the district board, or by any one of them, on the written request of any five legal

(Section 11.) 1. If the annual meeting is not held on the day specified in this section, no annual meeting can be held during the year; but a special meeting may be called to fill vacancies and transact such business as may be done at a special meeting.

2. The legal voters may assemble at the usual hour and place and hold the annual meeting, even though no notice has been given. If neither of the officers is present, the voters may appoint a chairman and clerk. (See sections 29 and 37.)

3. If the business requires, the qualified voters present may adjourn the annual meeting to some subsequent day, and such adjourned meeting is still to be considered as the annual meeting, and authorized to do whatever is lawful to be done at any annual meeting. A notice of the time and place of the adjourned meeting should be posted by the director as required for any other meeting; but a failure, without fraudulent intention, to post such notice, will not render the meeting illegal.

4. There are certain powers belonging to the annual meeting, which cannot be exercised by a special meeting. (See section 24.) The decision of the annual meeting in reference to such matters as can only be decided at an annual meeting, may be reconsidered and rescinded at a special meeting called for that purpose; but no new decision can be substituted.

(Section 12.) 1. The district board may call a special meeting, on their own suggestion, and without the written request required in this section. Any one member of the board may call such meeting on the written request of five legal voters.

voters of the district, by giving the notice required in the next succeeding section, and in all notices of special meetings the object of the meeting shall be stated.

Sec. 13. All notices of annual or special district meetings, ^{Notice of} after the first meeting has been held as aforesaid, shall specify ^{meetings.} the day and hour, and place of meeting, and shall be given at least six days previous to such meeting, by posting up copies

2. No object can be legally acted on by a special meeting, unless such object was distinctly stated in the notice of the meeting. A general statement in the notice that the meeting is "to transact such business as may be brought before it," is not sufficient. No business can be legally introduced under such notice. The objects should be those mentioned in the written request; but the board may also include other objects. The request of the five voters should be entered on the record of the meeting.

3. A special meeting may adjourn from time to time, in which case like notice of the adjourned meeting should be given, as was required for the first meeting.

4. It is not optional with the members of the district board to call a meeting when requested in writing by five legal voters. The voters have the right to demand that a special meeting of the district be called.

The phraseology and punctuation of this section has sometimes raised a doubt as to the proper interpretation of it; but the practical ruling of this department (see Sherman's notes, school laws, 1852, page 347,) has settled the practice as defined in the above note. In Vermont it was held under a similar statute, that the district board could call a meeting without such written request, but that they were bound to call it when such request was made. 20th Vt., 487. The great force given to the practical construction which has obtained currency, is well illustrated by *Clark vs. Mowyer*, 5th Mich., p. 467.

Section 13.) 1. A meeting to be legal must be held at the place and hour specified in the notice, except that the voters first present may wait a reasonable time for others before be-

thereof in three of the most public places in the district; and in case of any special meeting called for the purpose of establishing or changing the site of a school-house, such notice shall be given at least ten days previous thereto.

When meeting not illegal for want of notice.

Sec. 14. No district meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent.

Who entitled to vote.

Sec. 15. Every white male inhabitant of the age of twenty-one years, residing in the district and liable to pay a school

ginning business; but under a notice of a meeting to be held at 7 o'clock P. M., no meeting can be legally called to order and organized at 9 o'clock P. M. A meeting called to be held *at*, or *in*, the school-house, may be held on the steps if the school-house is locked.

2. Any number of legal voters assembling at the time and place designated in the notice, may proceed to business after waiting a reasonable time for other voters, or for the officers. Half an hour after the time appointed has been held a reasonable time to wait. The meeting should certainly be organized within the hour, to make it legal.

3. If a new body of voters appear before the meeting is adjourned, any motion or resolution already passed may be reconsidered and rescinded; but after the adjournment, neither the same nor another body of voters can reorganize the meeting and pass any vote that shall be binding on the district.

(Section 14.) 1. This "want of due notice" must not be construed to legalize a special meeting held without any notice.

2. As the law itself appoints the time of the annual meeting, the qualified voters may assemble at the usual place and time and transact the ordinary business of the annual meeting, even though no other notice has been given of such meeting; but it would be safer to adjourn the meeting to some subsequent time, and to transact no business of importance whenever it may be suspected that the omission to give notice was willful and fraudulent. (See forms of notices, Nos. 5 and 7.)

(Section 15.) 1. This description of a qualified voter is materially changed by section 145. (See note 4 on sections 2-4.)

district tax therein, shall be entitled to vote at any district meeting.

Sec 16. If any person offering to vote at a school district meeting shall be challenged as unqualified, by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter, and if such person shall state that he is qualified, and the challenge shall not be withdrawn, the said chairman shall tender to him an oath in substance as follows: "You do swear (or affirm) that you are twenty-one years of age, that you are an actual resident of this school district, and liable to pay a school district tax therein;" and every person taking such oath, shall be permitted to vote on all questions proposed at such meeting.

Sec. 17. If any person so challenged shall refuse to take such oath, his vote shall be rejected, and any person who shall willfully take a false oath, or make a false affirmation under the provisions of the preceding section, shall be deemed guilty of perjury.

Sec. 18. When any question is taken in any other manner than by ballot, a challenge immediately after the vote has been taken, shall be deemed to be made when offering to vote, and treated in the same manner.

Sec. 19. The qualified voters in such school district, when lawfully assembled, shall have power to adjourn from time to time, as may be necessary; to designate a site for a school-house, by a vote of two-thirds of those present, and to change the same by a similar vote at any regular meeting.

Sec. 20. When no site can be established by such inhabi-

2. It is not necessary that the voter shall have actually paid taxes, but that he shall possess property in the district, not exempted by law from taxation.

(Sections 16 and 17.) 1. In all votes except those given for the election of officers, the oath must be modified by adding the words: "and that you have resided therein for the last three months."

2. When any vote is received on the oath or affirmation of the voter, the name of such voter, together with the statement of his having sworn or affirmed his right to vote should be entered in the record of the meeting.

(Sections 19 and 20.) 1. The site should be designated by its boundaries; or if this is impracticable, by general description; and the quantity of land should be agreed upon.

When Inspectors to determine site of school house.;

Qualified voters may direct purchasing of site, etc.,

tants as aforesaid, the school inspectors of the township or townships in which the district is situated shall determine where such site shall be, and their determination shall be certified to the director of the district, and shall be final, subject to alteration afterward by the inspectors, on the written request of a majority of the qualified voters of the district.

Sec. 21. The said qualified voters shall also have power at any such meeting to direct the purchasing or leasing of an appropriate site, and the building, hiring, or purchasing of a school-house, and the amount of fuel to be furnished, and the time and mode of furnishing it for the succeeding year; whether by

2. When the inhabitants cannot agree upon a site, the voters should instruct the director immediately to notify the inspectors of the fact.

3. It is provided in section 153, passed in 1855, that in case of districts having more than 300 children, when two-thirds of the voters cannot agree upon a site, a majority of the voters present may instruct the district board to locate such site.

(Section 21.) 1. For limitations of power to lease sites and build school-house, see section 59.

2. This section reads as amended in 1855. It provides three distinct methods of raising fuel for the schools: 1st. By apportionment to persons having scholars to send to school, of the amount of wood to be delivered by each at the school-house. 2d. By assessing to such persons, on rate bill, money sufficient to purchase a supply of fuel; and 3d. By raising by tax on the taxable property of the district, a sum necessary for this purpose. The voters should determine by vote which of these methods shall be adopted. Much evil has heretofore been experienced from the scanty and irregular supply of wood, the school not unfrequently being dismissed for days on account of the neglect of some one whose turn it is to furnish fuel. The school is often moreover made uncomfortable, and seriously impaired in its usefulness, by the poor and unfit character of the fuel furnished, half of the day passing before the school-room can be properly warmed.

3. It is doubtless convenient, in the newer districts, where

apportionment to persons having scholars to send to such school, in wood, to be delivered at the school-house, or in money, to be assessed on a rate bill, or by a tax on the property of the district, and to impose such tax as may be sufficient for the payment thereof, subject to the limitation contained in the succeeding section.

wood abounds, for parents to furnish the wood rather than money to buy it; but in case this plan is voted, the district may properly direct that all the wood shall be delivered before the opening of the school, so that it may be properly prepared and piled, convenient for use. It should also be stipulated that the wood shall be sound and well seasoned.

Section 40 instructs the director to make the apportionment of fuel to be furnished, and to notify the parties of the time for its delivery at the school-house. If not delivered, as required, it shall be furnished by the director and charged to the delinquent in the rate bill. In case any person fails to provide the portion of wood apportioned to him, the director should furnish the same, even though it may not be needed for that term of school. Justice requires this, and the wood will be ready and dry for another term.

4. In case the second plan is adopted, the district should direct the purchase of the wood, and the director should divide the cost thereof among the persons having scholars to send to school, and add the amount assessed to each person, to the amount assessed to such person on the rate bill for that term. The director may if he chooses, accept wood from any person liable to such assessment, instead of the proportion of money due from such person. It is believed that, in most cases, the third method will be most economical and least liable to occasion disputes.

5. In assessing the amount of wood to be furnished, indigent persons should be exempted. See section 58.

6. A vote to purchase or lease a site, and to build, purchase or hire a school-house, does not authorize the district board to proceed to purchase, or build, &c., without a vote specially directing them to do so.

Limitation
of tax for
School
Houses, etc.

Sec. 22. The amount of taxes to be raised in any district for the purpose of purchasing or building a school-house, shall not exceed the sum of two hundred dollars in any one year, unless there shall be more than thirty scholars residing therein between the ages of five and twenty years, and the amount thereof shall not exceed three hundred dollars in any one year, unless there shall be more than fifty scholars residing in the district between the ages last aforesaid; and no sum shall be raised exceeding one hundred and eighty dollars for the purpose of building or purchasing a school-house of less dimensions than twenty-four feet by thirty feet, and ten feet between floors; nor exceeding seventy-five dollars for the purpose of building or purchasing a school-house constructed of round or hewn logs.

Tax for re-
pairs, and
for appara-
tus, etc.,
for use of
school

Sec. 23. Such qualified voters, when assembled as aforesaid, may, from time to time, impose such tax as shall be necessary to keep their school-house in repair, and to provide the necessary appendages, and to pay and discharge any debts or liabilities of the district lawfully incurred; may raise a sum not ex-

(Section 22.) 1. Although the amount which may be raised in any year is limited in districts having less than fifty scholars, it is not designed that the cost of the school-house shall be limited to the sum thus raised in a single year. The district may raise the sum authorized, for several years in succession, till a sufficient sum is raised to erect such a house as may be required.

2. Districts having more than fifty scholars are not limited as to the amount they may raise in any one year; but no house less than 24 by 30 feet shall cost more than \$180, however large the district, and no log house more than \$75.

3. Districts having more than three hundred scholars, are authorized by section 166 (passed in 1855,) to borrow money to the amount of \$15,000, to purchase sites and build a union school-house.

(Section 23.) 1. The power to raise money by tax to purchase apparatus was formerly restricted to districts having more than fifty scholars. Any district may now raise twenty dollars a year for this purpose, and no school should be without such apparatus. A globe and outline maps are indispensable in teaching geography. A numeral frame and a set of

ceeding twenty dollars in any one year for the purchase of books of reference, globes, maps, or any apparatus for the purpose of illustrating the principles of astronomy, natural philosophy, natural history and agricultural chemistry, or the mechanic arts.

Sec. 24. They may also determine, at each annual meeting, the length of time a school shall be taught in their district during the ensuing year, which shall not be less than three months; and whether by male or female teachers, or both; and whether the moneys apportioned for the support of the school therein shall be applied to the winter or summer term, or a certain portion of each.

Voters may determine the length of time a school shall be taught, etc.

Sec. 25. In case any of the matters in the preceding section mentioned are not determined at the annual meeting, the district board shall have power, and it shall be their duty to determine the same.

When district board may determine.

mathematical solids, with some of the weights and measures, are equally important in primary arithmetic.

2. Books of reference may embrace a large dictionary, a gazetteer, a general cyclopedia, dictionaries of dates, of biography, and any other books useful for reference in the studies of the school. A list of such books will be found in the appendix.

(Sections 24 and 25.) 1. It is evidently the intention of the law to limit the power of the district to decide these questions strictly to the annual meeting. If left undecided at the annual meeting, they pass entirely under the control of the district board. A special meeting, called for that purpose, may pass an advisory vote, but the power to determine will still rest with the district board.

2. It has been held that a special meeting called for that purpose, may reconsider and repeal the votes of the annual meeting, authorized by section 24, and should circumstances arise absolutely requiring the repeal of those votes, a special meeting should be called for that purpose. But the power of the special meeting would still be limited to a repeal. The action of the annual meeting being set aside, the determination of the matter rests in the hands of the district board, as would have been the case if the annual meeting had not voted.

When voters may direct sale of property.

Sec. 26. Said qualified voters may also, at any regular meeting, authorize and direct the sale of any school-house, site, building or other property belonging to the district, when the same shall no longer be needed for the use of the district.

Directions in regard to suits.

Sec. 27. They may also give such directions, and make such provisions as they shall deem necessary, in relation to the prosecution or defense of any suit or proceeding in which the district may be a party, or interested.

[Sec. 28. The officers of each school district shall be a moderator, director and assessor, who shall hold their respective offices until the annual meeting next following their election or appointment, and until their successors shall have been chosen, and filed their acceptance, but not beyond ten days after the time of a second annual meeting after their election or appointment, without being again elected or appointed.]

Moderator's powers and duties.

Sec. 29. The moderator shall have power, and it shall be his duty to preside at all meetings of the district, to sign all warrants for the collection of rate bills after they shall have been prepared and signed by the director, and to countersign all orders upon the assessor for moneys to be disbursed by the

3. The *month* in section 24 must be interpreted to mean twenty-six work days. The Saturday afternoons, or every other Saturday usually allowed to teachers, may be included in the count, as also the customary holidays. No district is entitled to a share of the primary school moneys, unless three months school has been taught therein by a qualified teacher during the year. (See section 80.)

(Section 27.) If the voters do not choose that the assessor shall appear for the district in any suit, they may direct under this section, and section 36, what person shall appear, and may employ counsel and vote taxes to pay such counsel and carry on the suit.

Section 28 was virtually repealed by the amendment of section 5 in 1859.

(Section 29.) 1. The moderator does not lose his rights as a voter, by reason of his presiding at the meetings. He has a clear right to vote in all elections, and upon all questions that arise, although it is customary for him to give his vote only in case of a tie, in all cases where the matter is to be decided by a ma-

District, and all warrants of the director upon the township treasurer for moneys raised for district purposes, or apportioned to the district by the township clerk; but if the moderator shall be absent from any district meeting, the qualified voters present may elect a suitable person to preside at the meeting.

Sec. 30. If at any district meeting any person shall conduct himself in a disorderly manner, and after notice from the moderator or person presiding, shall persist therein, the moderator or person presiding, may order him to withdraw from the meeting, and on his refusal, may order any constable or other person or persons to take him into custody until the meeting shall be adjourned. Moderator to keep order, etc.

Sec. 31. Any person who shall refuse to withdraw from such meeting on being so ordered, as provided in the preceding section, Penalty for disturbing Meeting.

majority. His vote may be given and counted in questions which require a two-thirds vote.

2. The moderator is not required to countersign orders if he knows that they are for an illegal use of money, as the payment of a teacher not legally qualified, or for paying library money for teachers' wages. He cannot legally refuse to sign a rate bill because he disagrees with the other officers as to the exemptions made in it, or as to the allowance of time made by them to the teacher for holidays, unless the same be clearly illegal.

3. A variety of practice prevails, in the matter of drawing moneys from the township treasurer. In some districts the warrants are drawn payable directly to the teacher or his order, and in others they are drawn payable to the assessor, and then the teacher is given an order on the assessor. The latter is the more regular mode, and seems to be the intention of the law. In this way the assessor is the sole treasurer of the district, and his accounts will exhibit the entire expenditures of the district. The assessor should keep an account with each particular fund: as *teachers' fund—library fund—incidental expense fund—building fund, &c.*

(Section 31.) The penalty provided in this section may be recovered by a suit brought before a justice of the peace. (See compiled laws, p. 1351.)

tion, or who shall willfully disturb such meeting, shall, for every such offence, forfeit a sum not exceeding twenty dollars.

ASSESSOR.

Assessor to collect and pay over moneys.

Sec. 32. The assessor shall pay over all moneys in his hands belonging to the district, on the warrant of the director, countersigned by the moderator; and shall collect all rate-bills for tuition and fuel, in obedience to the command contained in the warrant annexed thereto.

On refusal to pay, Assessor to collect by distress.

Sec. 33. In case any person shall neglect or refuse to pay the amount on such rate-bill for which he liable, on demand, the assessor shall collect the same by distress and sale of any goods or chattels of such person, wherever found, within any county in which the district, or any part of it, is situated.

Sec. 34. The assessor shall give at least ten days' notice of

(Sections 32, 33, 34.) 1. The assessor cannot legally pay the warrants of the director, except from the proper funds. He cannot pay a warrant for teachers' wages from the library moneys, nor a warrant for building or incidental expenses from primary school moneys or two mill tax. Nor is he obliged or permitted to pay a warrant for teachers' wages from public school moneys if he knows the teacher to be not legally qualified.

2. No property is exempted from sale for the payment of a rate-bill.

3. The assessor is entitled to five cents on each dollar of the rate-bill for the collection thereof, and such collection must be made within sixty days, unless the time is duly extended by the endorsement of the other officers. (See sections 45, 46 and 47.) In case the assessor shall fail to give bonds, or is unable to attend to his duties, the board may appoint an acting assessor. (See section 67.)

4. It is doubtful whether the assessor's authority to collect rate-bills, by distress and sale, extends to the case of non-resident pupils. It will be found safer, therefore, for the district board to fix a rate of tuition for such pupils, and collect the same, as is usual in the union schools, in advance. Authority to fix such rates of tuition is given to the district board by section 164.

such sale, by posting up written notices thereof in three public places in the township where such property shall be sold.

Sec. 35. At the expiration of his warrant, the assessor shall make a return thereof, in writing, with the rate bill attached, to the director; stating the amount on said rate bill collected, the amount uncollected, and the names of the persons from whom collections have not been made.

Notice of sale.

Assessor to make return to Director.

Sec. 36. The assessor shall appear for and on behalf of the district in all suits brought by or against the same, when no other directions shall be given by the qualified voters in district meeting, except in suits in which he is interested adversely to the district, and in all such cases the director shall appear for such district, if no other direction be given as aforesaid.

When assessor to appear for district

DIRECTOR.

Sec. 37. The director shall be clerk of the district board, and of all district meetings when present, but if he shall not be present at any district meeting, the qualified voters present may appoint a clerk of such meeting, who shall certify the proceedings thereof to the director, to be recorded by him.

Director to be clerk.

Sec. 38. The director shall record all proceedings of the dis-

(Section 35.) Should there remain any portion of the rate bill uncollected, after all due efforts on the part of the assessor, the deficiency must be reported by the district board to the supervisor to be assessed on the taxable property of the district. The law gives no authority to levy a second rate bill to make up such deficiency. (For forms of rate-bill, sale and return, see form 8.)

(Section 36.) For directions for suits, &c., against school districts, see sections 122 to 128. See also section 27.

(Sections 37, 38.) 1. As the director's record of proceedings is *prima facie* evidence of the facts set forth in it, great care should be taken to make it a full and explicit history of the proceedings; and it should be read for correction and approval before the adjournment of the meeting.

2. The record of a special meeting should state by whom the meeting was called, and the objects mentioned in the notice, as the legality of the proceedings depends upon the legality of the call and the conformity of the proceedings to the objects stated in the notices.

To record
proceedings
etc.

Contract for
teacher, by
director or
majority of
board.

trict, in a book to be kept for that purpose, and preserve copies of all reports made to the school inspectors, and safely preserve and keep all books and papers belonging to his office.

Sec. 39. The director, with the advice and consent of the moderator and the assessor, or one of them, or under their direction, if he shall not concur, shall contract with and hire qualified teachers for and in the name of the district, which contracts shall be in writing, and shall have the consent of the moderator and assessor, or one of them, endorsed thereon and

(Section 39.) 1. This section was amended February 15, 1859, so as to give the authority to employ teachers, to the majority of the district board, whether the director was one of that majority or not. The director is merely the legal agent for making the contract, and has only an equal voice with the other members of the board in the choice of a teacher. By a further amendment made in 1861, the other officers may execute the contract if the director shall refuse. They should never proceed, however, to make and sign the contract without consulting the director. The law prefers, for the sake of regularity, that he shall make all contracts with teachers, and he has a right to do so until he refuses.

2. When not otherwise stipulated in the contract, the *month* must be understood to imply twenty-six work days. A universal and healthful custom has established the usage of allowing the teacher to dismiss school Saturday afternoons, or every alternate Saturday in lieu thereof, without any loss of time, five and a half days of actual teaching being counted as one week. The district board cannot therefore require a teacher to teach Saturday afternoons, or make up any time lost by omitting school Saturday afternoons, without specifying it in the contract.

3. It is also customary to allow schools such holidays as the fourth of July, thanksgiving days, general election days, Washington's birth day, Christmas and New Year's, without any loss of the teacher's time.

4. As this section authorizes the director to contract with "qualified teachers" only, it is an implied condition of the contract that the teacher shall keep himself "qualified," in the

shall specify the wages per week or month as agreed by the parties, and a duplicate thereof shall be filed in his office: *Provided*, That if the director shall refuse to make and sign such contract, when directed so to do by the moderator and assessor, then it may be made and signed by the moderator and assessor.

Sec. 40. He shall ascertain, as near as practicable, before the commencement of each school term, if the district at any regular meeting so direct, the just proportion which each person having scholars to send to the school ought to furnish, of the fuel for such term, and give each such person at least five days notice of the time within which he is required to deliver the same at the school-house; and if any person shall not deliver his proportion as required, the same shall be furnished by the director, and the amount thereof shall be assessed on the rate bill to the person neglecting to deliver his proportion as aforesaid.

To ascertain
requisite
quantity of
fuel for
each per-
son, and
give notice
to furnish,
etc.

legal sense, i. e., by holding a valid certificate from the inspectors. Should his certificate, therefore, be annulled, his contract is no longer binding. If, however, the board continue to employ him, he can still collect his pay of those that employ him, though no public money can be paid to him. The district board, as such, cannot legally employ an unqualified teacher; their action, therefore, in employing such teacher, cannot bind the district, as a district, but only those who shall send to the school taught by such teacher.

5. A district board cannot properly annul a teacher's contract without said teacher's consent. If a teacher proves incompetent or negligent, application may be made to the school inspectors, and should they find sufficient cause to annul his certificate, his contract necessarily is made void. It would perhaps avoid occasional difficulties if it were agreed between the parties that the contract might be annulled by either party on giving some sufficient notice of the same.

6. It sometimes happens that a member of the district board is employed to teach the school. In such case the contract must be made and signed by the other two members. An officer cannot make a contract with himself.

(Section 40.) See note 3, under section 21. A better method of furnishing wood is provided by section 21.

To take cen-
sus of dis-
trict, and
make list
under oath.

Sec. 41. Within ten days next previous to the annual district meeting, the director shall take the census of his district, and make a list in writing of the names of all the children belonging thereto between the ages of five and twenty years. In case of the absence or inability of the director, such census shall be taken by the moderator or assessor, or such person as they may appoint, and a copy of such list, verified by the oath of the person taking such census, by affidavit appended to or endorsed thereon, setting forth that it is a correct list of the names of all the children belonging to the district between the ages of five and twenty years, shall be returned with the annual report to the township clerk.

(Section 41.) 1. In this census should be embraced the children belonging properly to the district and no others. Children merely attending school in the district, while their parents or guardians reside elsewhere, should not be enumerated, as they are properly enumerated in the districts in which their parents reside. But a child that has been adopted by, or is regularly apprenticed to, a resident of the district, may be properly included in the school census.

2. Children in alms-houses, prisons, or asylums, and not otherwise residents of the districts in which such institutions are located, should not be enumerated in the school census, nor Indian children, for whom schools are provided by the Federal Government. But if the children at the county poor-house are admitted to the district school, they may be included in the district census.

3. Children of aliens and people of color should be included in the census, if residents of the district.

4. The list of names verified by oath, as prescribed, is the evidence to the township clerk of the number of children of school ages in the district, and without such evidence he cannot report any children as entitled to public money. The school board should see, therefore, that this list is properly made out, as otherwise the district must lose its share of the primary school moneys.

Sec. 42. He shall furnish a copy of such list to each teacher employed in the district, and require such teacher carefully to note the daily attendance of each scholar, and to make return thereof to him, including the ages of all scholars whose names are not on such list; and such teacher shall also certify and return, according to his best information and belief, the name of the person liable for the tuition of each scholar.

To furnish copy of list to teacher and require teacher to note attendance and make return.

Sec. 43. In case the director shall not have furnished such list as aforesaid, the teacher shall keep a list of all the scholars attending school, and the number of days each scholar shall at-

Teacher to keep list, etc., if not furnished.

(Sections 42 and 43.) 1. The best interests of our schools demand that this provision of the law should be strictly complied with by school directors and teachers. The director should furnish the teacher a full list of all the children of legal school ages in the district. If a book were procured for the purpose, in which each year the list of children might be entered, and the attendance of each one at the school noted, it would, in the course of a few years, become a volume of great interest and value.

2. It will be impossible for the director to make the report required by section fifty-four, unless this list is properly kept. It must, therefore, be faithfully kept, whether there is to be any rate-bill or not.

3. If the director fails to furnish the list, it is still the duty of the teacher to keep a daily record of the attendance, and the director will be enabled to make his report from a comparison of the teacher's roll and record, and the census list.

4. The most important of all school statistics are those that are shown by the teacher's daily register of attendance, and one of the most material evidences of the progress of a school is wanting, where such record is not kept with great fullness and care. A properly prepared register should be provided at the commencement of the school, and the name of each pupil should be entered thereon, with the date of his entrance. The attendance of each half day should be carefully marked; and with a good form of register the amount of tardiness of each pupil may also be kept. It is customary also, to mark the daily deportment

tend the same, with the age of each, and the name of the person liable for the tuition of each, according to his best information and belief, which list he shall return to the director as aforesaid.

Director to ascertain amount due for tuition.

Sec. 44. The director shall ascertain from the return of such teacher the number of days for which each person not exempted shall be liable to pay for tuition, and the amount payable by each.

Rate bill for tuition and fuel, and warrant for collection.

Sec. 45. Within twenty days after receiving such list and certificate from the teacher, the director shall make out a rate bill, containing the name of each person so liable, and the amount due from him for tuition and fuel, or either, adding

and scholarship of each pupil, and in our best schools weekly or monthly reports are sent to the parents, exhibiting the attendance and standing of their children. Such reports have a most beneficial influence upon both parents and pupils. Many good forms of register are now usually kept for sale by all book-sellers. Messrs. Adams & Blackmer are preparing a directors' census book, and teachers' register especially for this State.

(Sections 44 and 45.) 1. Should the director fail to make out a rate bill within twenty days, without sufficient cause, he would be liable only for the penalty of \$10 provided in section 130. The rate bill may, however, still be legally made out after the twenty days; the director's neglect to make it before, not releasing any one from the obligation to pay the rate-bill when made out.

2. The district board are authorized to determine the rates of tuition to be paid by pupils not residents of the district. Section 58. The tuition of such pupils should be collected independently of the rate-bill.

3. In making a rate bill, the following steps should be pursued, viz:

1st. Find the amount of the teacher's wages for the whole term he has taught and for which the rate-bill is to be made out.

2d. Deduct from this amount the moneys received or to be

thereto five cents on each dollar of the sum due, for assessor's fees, and shall annex thereto a warrant for the collection thereof, to be signed by him and the moderator.

Sec. 46 Such warrant shall command the assessor that ^{Contents of} within sixty days he collect of the persons named in said rate-^{warrant.} bill the amount set opposite their respective names, and if any person shall neglect or refuse, on demand, to pay the amount on said rate bill for which he is liable, he collect the same by distress and sale of the goods and chattels of such person, wherever found within the county or counties in which the district is situated, first publishing such sale at least ten days, by posting up notices thereof in three public places in the township where such property shall be sold.

Sec. 47. In case the moderator and director shall deem it ^{Renewal of} necessary, they may, by an endorsement on such warrant, ^{warrant.} signed by them, extend the time therein specified for the collection of such rate-bill, not exceeding thirty days.

received from non-resident pupils, and also the amount of public money to be applied.

3d. Apportion the balance remaining after the above deductions, among all the parents in the district, in proportion to the number of days each one has sent to school.

4th. Leave out all those who have been exempted from paying rate-bills, and write the names of those who are liable to pay, in the rate-bill, with the amounts due from each set opposite his name with five per cent. added for assessor's fees, and any amount which may be due for fuel. To the names of those in the district, add also the names of those living out of the district liable for teacher's wages, if the same is not already collected.

4. The sums due from indigent persons who have been exempted are to be reported to the supervisor and assessed upon the property of the district. (*Section 57.*)

Sections 46 and 47.) 1. No suit is required to collect money due on a rate-bill. The assessor is authorized to levy at once upon the property of the parent or person refusing to pay. No property is by the law exempted.

2. Whenever children from other districts are admitted to the school, and only charged their proportion upon the rate-bill,

Director to
keep school
house in re-
pair.

Sec. 48. The director shall provide the necessary appendages for the school-house, and keep the same in good condition and repair during the time school shall be taught therein, and

they are often included in the rate-bill, and their tuition collected by the assessor the same as that of others. Though it is doubtful whether the assessor's authority to collect rate-bills by summary process of distress and sale of any goods belonging to persons liable for such rate-bills, extends to the case of non-resident pupils, the charges on rate-bill for tuition of such pupils constitute a legal debt against their parents or guardians, and may doubtless be collected by ordinary process of law. (See section 58.)

3. In collecting rate-bills, the assessor should take care to follow strictly the directions in the law. With due diligence, it will rarely be found necessary to extend the time for collection. No extension is permitted beyond the additional thirty days. The amounts uncollected at the end of that time must be returned to the supervisor, to be assessed upon the district *Section 57*. The rate-bill is a relic of barbarism, and should be dispensed with wholly from the public schools. Let each district raise enough by tax to make, with the aid of the public school moneys, its school free to every child in the district. This will avoid one of the most fruitful sources of trouble and failure in our schools, and promote greatly the peace and prosperity of the districts.

(*Section 48*.) 1. The director is authorized and required to procure all needful appendages and repairs, without any vote of the district in the case.

2. The law has wisely empowered one officer, and made it his duty to keep the school-house in good repair. He should see to it that the windows are properly filled with glass; that the stove and pipe are in a fit condition; that the desks and seats are in good repair; that the outhouses are properly provided with doors, and are frequently cleansed; that the blackboards are kept painted, and everything is provided necessary

shall keep an accurate account of all expenses incurred by him as director; such account shall be audited by the moderator and assessor, and on their written order shall be paid out of any money provided by the district for such purposes. Expenses, how paid.

Sec. 49. He shall present at each annual meeting an estimate of the expenses necessary to be incurred during the ensuing year for such purposes, and for payment for the services of any district officer; and such amount, when voted by such annual meeting, shall be assessed and collected in the same manner as other district taxes; but no tax for these purposes shall be voted at a special meeting, unless a notice of the same shall be expressed in the notice of such meeting. Estimate of expense for coming year.

Sec. 50. He shall give the prescribed notice of the annual district meeting, and of all such special meetings as he shall be required to give notice of in accordance with the provisions of this chapter, one copy of which for each meeting shall be posted on the outer door of the district school-house, if there be one. Director to give notice of meetings.

Sec. 51. The director shall draw from the township library the proportion of books to which his district may be entitled, To draw books from township

for the comfort of the pupils and the success of the school. Under our laws, a great responsibility rests upon the director, and on his promptitude and faithfulness depends the usefulness of the school.

(Section 49.) 1. The object of this section is to provide beforehand, an incidental fund out of which the director may be paid for any expense incurred under the preceding section. But if no such fund is provided, it is still the duty of the director to keep the school-house in proper repair during term time and to provide all needful appendages, and his bills, when audited and allowed by the other officers, are lawful debts against the district, and should be reported by the district board to the annual meeting to be assessed with other district taxes.

2. The section also authorizes the payment for the services of any district officer. In large districts the tax upon the director's time is often large and onerous, and a fair compensation should be allowed him for his services.

(Sections 51 and 52.) In townships in which the district

DISTRICT BOARD.

District
board.

Sec. 55. The moderator, director and assessor shall constitute the district board.

District
board to re-
port taxes
voted by
district, etc.

Sec. 56. Said board shall, between the first Monday in September and the second Monday of October, in each year, make out and deliver to the supervisor of each township in which any part of the district is situated, a report in writing under their hands, of all taxes voted by the district during the preceding year, and of all taxes which said board is authorized to impose, to be levied on the taxable property of the district.

(Section 55.) 1. In graded or high school districts, generally called union school districts, the district board, as provided by the law passed February, 1859, consists of six trustees.

2. The statutes prescribe that "all words purporting to give a joint authority to three or more public officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority." *Comp. Laws, chapter 1, section 3, page 88.* A majority of the district board may therefore exercise the powers of the board; but each member has a right to be consulted, unless he shall be absent from the district when any action must be taken.

(Section 56.) 1. The district board must include in their report the taxes voted at any special meeting during the year; but no tax should be reported till it is finally passed upon. If the meeting that voted it is adjourned, to meet at some later day, the tax should not be reported till after the adjourned meeting is held, provided the same is not beyond the said second Monday in October, unless the voters specially direct it to be reported.

2. The taxes which the district board is authorized to impose, are *first*, the amounts of rate-bills for fuel and tuition of persons exempted by the board from payment; *second*, the amounts uncollected on rate-bills, and *third*, the amounts expended in the purchase of text books for exempted persons.

Sec. 57. The district board may purchase, at the expense of the district, such school books as may be necessary for the use of children admitted by them to the district school free of charge, and they shall include the amount of such purchases, and the amount which would have been payable for fuel and teachers' wages by persons exempted from the payment thereof, together with any sums on the district rate-bills which could not be collected, in their report to the supervisor or supervisors, to be assessed as aforesaid. They shall also prescribe the text books to be used in the school; but text books, once adopted, shall not be changed within two years, except by the consent of a majority of the voters at some regular meeting. They shall have the general care of the school, and may establish all needful regulations for its management.

Sec. 58. Said board shall exempt from the payment of teachers' wages, and from providing fuel for the use of the district, all such persons residing therein as in their opinion ought to be exempted, and shall certify such exemptions to the director; and the children of such persons shall be admitted to the district school free of charge during the time of such exemption.

(Section 57.) 1. The text books purchased for indigent children are the property of the district, and should be taken care of by the district board, when not in use. (See section 65.)

2. The duty to prescribe text books is imperative, and its prompt performance is demanded by the best interests of the district. The district boards will find a list of recommended books in the latter part of this volume.

3. The board may add a new text book to the list, in any branch not provided for in the list first prescribed. Text books should be provided for all common branches, including, if needed, natural philosophy, physiology and algebra.

4. No pupil can claim to receive instruction in any other text book than those prescribed by the district board; nor is the teacher at liberty to introduce any new text book without the action of the board.

(Section 58.) 1. The district board should exercise a wise liberality in exempting from the payment of rate-bills, all whose circumstances will justify such exemption. It is not necessary that a person be a pauper to entitle him to relief

District board may admit non-resident pupils and expel unruly pupils.

Said board may also admit to the district school non-resident pupils, and may determine the rates of tuition of such pupils, and collect the same; and they may authorize or order the suspension or expulsion from the school, whenever, in their judgment, the interests of the school demand it, of any pupil guilty of gross misdemeanor or persistent disobedience.

Sec. 59. They shall purchase or lease a site for a school-house,

from rate-bills. In cases of laboring men with large families to educate, the claim of the children for education lies as much upon society as upon the parent; since society will be as much benefited by their education as the parent will. It is but just to give such children free access to the public school. The board may in their discretion exempt from rate-bills a portion of the children of such family, on condition the parent will pay for the others. The proportion of rate-bills which would have been due from exempted children must never be added to the rate-bills of others, but must be raised by a tax on the property of the district.

2. Non-resident pupils are those whose parents or guardians are not residents of the district. Such pupils do not become resident by boarding in the district while attending school. A citizen of the district employing temporarily a minor whose parents or guardians reside out of the district, should not report such minor in the school census, and cannot claim to send him as a resident pupil to school.

3. When a district board decide to admit non-residents to the school, they should fix at once upon the rate of tuition, that it may be announced to such pupils on entering the school.

4. The board may authorize the teacher to suspend or expel incorrigible pupils, in his discretion. An expelled pupil cannot return to the school the same term without the consent of the board. It has been decided by the legal tribunals that a person of depraved and infamous character, as a prostitute, may be forbidden the school, even though guiltless of any offense against the rules of the school.

(Section 59.) 1. In case the site designated cannot be purchased for the price the district offers, and in case a good and

as shall have been designated by the district, in the corporate name thereof, and shall build, hire or purchase such school-house out of the fund provided for that purpose, and make sale of any site or other property of the district, when lawfully directed by the qualified voters at an annual or special meeting: *Provided*, That the district shall not in any case build a stone or brick school-house upon any site, without having first obtained a title in fee to the same, or a lease for ninety-nine years; and also that they shall not in any case build a frame school-house on any site for which they have not a title in fee, or a lease for fifty years, without securing the privilege of removing the said school-house when lawfully directed so to do by the qualified voters of the district, at any annual or special meeting: *Provided also*, That the qualified voters of the district may appoint a building committee, to take charge of the work of building such school-house.

Board shall
purchase or
hire site for
school
house.

Sec. 60. The district board shall apply and pay over all school moneys belonging to the district, in accordance with the provisions of law regulating the same, as may be directed by the district; but no school moneys apportioned to any district

Board to ap-
ply school
moneys.

valid title cannot be obtained for any reason, the law passed February 7, 1855, provides for calling a jury to determine on a price. (See section 154, &c.)

2. It is a well settled principle of law that public officers cannot use their trusts for their own benefit. The district board cannot sell a site or school-house to themselves. The legal voters, however, in regular meeting may direct the sale to be made to any member of the board.

(Section 60.) 1. The practice of some districts in employing a teacher, and getting him inspected some time after commencing his school, is entirely illegal and wrong, being calculated to defeat the very end and purpose of all inspection. The language of the law is plain and decisive, and school inspectors should see it enforced.

2. If through any necessity, a teacher begins a school before getting a certificate, the time thus taught before receiving a certificate cannot be counted as any part of the three months' school required to be taught by a qualified teacher. When such teacher receives a certificate, a new contract should be

shall be appropriated to any other use than the payment of teachers' wages, and no part thereof shall be paid to any teacher who shall not have received a certificate as required in this chapter, before the commencement of his school.

Bond to be
required of
Assessor.

Sec. 61. The moderator and director shall require of the assessor, and the assessor shall execute to the district, a bond in double the amount of money to come into his hands as such assessor during the year, as near as the same can be ascertained, with two sufficient sureties, to be approved by the moderator and director, conditioned for the faithful application of all moneys that shall come into his hands by virtue of his office.

Where bond
to be lodg'd,
and when
sued, etc.

Sec. 62. Such bond shall be lodged with the moderator, and in case of any breach of the condition thereof, the director shall cause a suit to be commenced thereon in the name of the district, and the money, when collected, shall be paid into the township treasury, for the use of the district, subject to the order of the proper district officers.

Report of
receipts and
disburse-
ments.

Sec. 63. Said board shall present to the district, at each annual meeting, a report in writing, containing an accurate statement of all moneys of the district received by them, or any of them, during the preceding year, and of the disbursements made by them, with the items of such receipts and disbursements.

made and signed, as though no school had been previously taught by him in the district.

3. By the provisions of an act passed March, 1863, any surplus of the two mill tax, after eight months of school have been maintained, may be used for other school or library purposes. (See section 172.)

(Section 61.) 1. The moderator and director must require this bond of the assessor before giving him any order on the township treasurer for school or library moneys, and before giving him any rate-bill to collect. If he fails or refuses to give bonds when demanded he vacates his office; but he is not required under any penalty, to offer his bonds till demanded.

2. If the moderator and director shall give the assessor the custody of moneys belonging to the district without first requiring bonds of him, they commit a gross violation of official duty, and are liable not only to pay the penalty prescribed, but in case any loss results to the district from their neglect, they are liable to the district for the loss occasioned thereby.

Sec. 64. Such report shall also contain a statement of all ^{Statement of taxes, etc.} taxes assessed upon the taxable property of the district during the preceding year, the purposes for which such taxes were assessed, and the amount assessed for each particular purpose, and said report shall be recorded by the director in a book to be provided and kept for that purpose.

Sec. 65. The said district board shall have the care and cus- ^{Board to have custody of school house, etc.} tody of the school-house and other property of the district, except so far as the same shall be specially confided to the custody of the director, including all books purchased for the use of pupils admitted to the school free of charge.

Sec. 66. The said board shall have power to fill, by appoint- ^{Vacancies.} ment, any vacancy that shall occur in their own number, and

(Section 65.) It is an almost universal custom to allow the use of the school-house for religious meetings, Sunday-schools, lectures, lyceums, debating societies, and all other meetings connected with mental, moral and religious improvement of the people, and such use has uniformly been approved by my predecessors in this Department. These uses of the school-house are certainly not foreign to the purpose of its erection. The board should, however, consult the general wishes of the people in granting this use of the public property.

(Section 66.) 1. The vacancy, in primary districts, whether filled by the district board or by the special meeting, is filled for the unexpired term. If a vacancy exists at the time of the annual meeting it may be filled by an election, but the election will be only for the unexpired part of the term. But neither a special nor an annual meeting has power to fill a vacancy till the ten days are expired, during which the district board are required to fill it.

2. In case two of the district offices shall be vacant at once, the remaining member cannot fill the vacancies, as he does not constitute a majority of the board, and cannot exercise the powers thereof. On the written request of five legal voters, he may call a special meeting to fill vacancies.

3. Should all the offices be vacant at once, no special meeting can be called, and the inspectors should appoint officers to fill the vacancies, as provided by section 146.

Provido. it shall be their duty to fill such vacancy within ten days after its occurrence: *Provided*, That in case said board shall, from any cause, fail to fill such vacancy within the time specified, the same may be filled by election at a special school district meeting called for that purpose, by the qualified voters present, which meeting shall be called in the same manner, and be subject to the same regulations, as other special school district meetings.

When board
may app'int
Assessor
pro tem.

Sec. 67. If the assessor shall fail to give bond as is required in this chapter, or from sickness or any other cause shall be unable to attend to the duty of collecting any district rate-bill, the said board shall appoint an acting assessor to collect the same, who shall possess all the powers of the district assessor for that purpose, and shall, before proceeding to the collection thereof, give bond to the district in double the amount of money to be collected, in the same manner, and with the same effect as the district assessor is required to give such bond. Every school district office shall become vacant upon the incumbent ceasing to be a resident of the district for which he shall have been

(Section 67.) 1. If the assessor neglects or refuses to give bonds when required, his office becomes vacant, and should be filled by the district board. The case provided for by this section, must be one where neither neglect or refusal is chargeable on the assessor.

2. The occurrence of any of the following events will create a vacancy in a school district office:

First. The death of the incumbent;

Second. His resignation;

Third. His removal from office;

Fourth. His removal from the district;

Fifth. His conviction of any infamous crime;

Sixth. His election or appointment being declared void by a competent tribunal;

Seventh. His neglect to file his acceptance of office, or to give or renew any official bond, according to law. (Compiled laws, chap. 11, sec. 3, p. 219.)

3. The resignation of a district officer must be made to the other members of the district board, or to one of them, and should be in writing. (Compiled laws, chap. 11, sec. 1.)

elected, or upon the happening of either of the events specified in section three, of chapter fifteen, of the revised statutes of 1846. When district offices become vacant.

TOWNSHIP BOARD OF SCHOOL INSPECTORS.

Sec. 68. The inspectors elected at the annual township meetings, together with the township clerk, shall constitute the township board of school inspectors; and the inspector elected at the annual township meeting, having the shortest time to serve, shall be chairman of said board, and the said township clerk shall be the clerk thereof. Board of School Inspectors.

Sec. 69. The chairman of said board shall be the treasurer thereof, and shall give bond to the township in double the amount of library moneys to come into his hands during his term of office, as near as the same can be ascertained, with two sufficient sureties, to be approved by the township clerk, con- Chairman of board to be treasurer and give bond.

(Section 68.) The office of school inspectors was not created by that chapter of the statutes known as "The Primary School Law." It will be found as follows:

"There shall be elected annually, on the first Monday of April, in each organized township, * * * one township clerk, who shall be *ex officio* school inspector," * * * and one school inspector. (Article 11, sec. 1 of the constitution.)

"The annual meeting of each township shall be held on the first Monday of April, in each year; and at such meeting there shall be an election (by ballot) for * * * one school inspector." (Compiled laws, chap. 12, sec. 8.)

"Each school inspector elected as aforesaid, shall hold his office for two years, and until his successor shall be elected and qualified, except when elected to fill a vacancy; in which case he shall hold during the unexpired portion of the regular term: *Provided*, That where there shall have been no previous election for school inspectors in any township, there shall be two such inspectors elected, one for one year, and one for two years, who shall severally hold their office accordingly." (Compiled laws, chap. 12, sec. 13.)

Sec. 95, chap. 12, of the compiled laws, establishes the compensation of inspectors at one dollar per day.

ditioned for the faithful appropriation of all moneys that may come into his hands by virtue of his office.

In case of
breach,
bond to be
sued.

Sec. 70. Said bond shall be filed with the township clerk, and in case of the non-fulfillment thereof, said clerk shall cause a suit to be commenced thereon, and the moneys collected in such suit shall be paid into the township treasury for the benefit of the township library.

Formation
of districts.

Sec. 71. The inspectors shall divide the township into such number of school districts as may from time to time be necessary, which districts they shall number, and they may regulate and alter the boundaries of the same as circumstances shall render proper; but no district shall contain more than

2 Douglass,
Mich. 127.

(Section 71.) 1. This power to establish and change the boundaries of school districts is a most important one, and on its wise and careful exercise the success and well being of the school system often depends. It is coming to be more and more seen that it would have been better if the townships had never been divided into independent districts, but that each township had remained a general district, with a township school board, which should have established and maintained a sufficient number of schools to accommodate the various parts of the township, and with perhaps a single local director to aid in the care of each school.

The main errors committed in the division of the townships have been the multiplication of small districts too feeble to maintain a good school, and the unnecessary increase of fractional districts, which have always proved a fruitful source of error and trouble.

2. "Whenever a school district is divided, each of the districts formed from it has a right, in making its annual report, to embrace the time a school was taught between the commencement of the school year, and the time the division was made, and to add thereto the time a school has been taught in said district subsequently to the division. If each district, reckoning time thus, is enabled to report a school taught three months or more, by qualified teachers, each is entitled to draw public money.

3. "In the distribution of school moneys to said districts

nine sections of land, and each district shall be composed of contiguous territory, and be in as compact a form as may be; but no land shall be taxed for building a school-house, unless some portion of every legal subdivision of said land shall be within two and one-half miles of said school-house site.

the same sum should be apportioned to the two, that the original district would have been entitled to receive had there been no division. This sum should be divided between them according to the rules of justice and equity. If the division of a district takes place immediately after the commencement of a school year, and before a school has been opened, the public money should be apportioned to the new districts in proportion to the number of scholars within the legal ages residing in each of them at the time of the division. But if the division is made at the close of the winter school, and two-thirds (more or less) of the public money has been apportioned to said school, in which both of the districts were entitled to share equitably, the remaining one-third should be apportioned in proportion to the number of children within the legal ages in the districts at the time the division is made."

4. In the formation of school districts, and in the alteration of the same, school inspectors act upon their own discretion, and are not obliged either to wait for, or to regard petitions of the inhabitants; but they should never refuse to show a wise regard for the wishes of the people. They should be slow, however, to yield to the demand for the erection of small districts for the temporary accommodation of small neighborhoods.

5. In the union of two or more districts, under the law for graded schools, (*section 152*,) the limitation of territory to nine sections of land does not apply. There is no restriction as to the size of the districts which may be thus united, and each one might have had the full nine sections. The power of the graded school board to establish several schools in different localities allows it to supply schools in convenient localities for every part of the district. Inspectors cannot alter the boundaries of such districts without the written consent of a majority of the board.

How districts set off entitled to a share of district property.

Sec. 75. When a new district is formed, in whole or in part from one or more districts possessed of a school-house, or entitled to other property, the inspectors, at the time of forming such new district, or as soon thereafter as may be, shall ascertain and determine the amount justly due to such new district from any district out of which it may have been in whole or in part formed, as the proportion of such new district of the value of the school house and other property belonging to the former district, at the time of such division; and whenever, by the division of any district, the school-house or site thereof shall no longer be conveniently located for school purposes, and shall not be desired for use by the new district in which it may be situated, the school inspectors of the township in which such school-house and site shall be located, may advertise and sell the same, and apportion the proceeds of such sale, and also any moneys belonging to the district thus divided, among the several districts erected in whole or in part from the divided district.

Apportionment of proceeds.

How proportion to be ascertained.

Sec. 76. Such proportion shall be ascertained and determined, according to the value of the taxable property of the respective parts of such former district, at the time of the division, by the best evidence in the power of the inspectors; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion: *Provided*, That no real estate thus set off, and which shall not have been taxed for the purchase or building of such school-house, shall be entitled to any portion thereof, nor be taken into account in such division of district property.

Proportion to be certified to supervisor; how disposed of.

Sec. 77. The amount of such proportion, when so ascertained and determined, shall be certified by the township clerk to the supervisor of the township, whose duty it shall be to assess the same upon the taxable property of the district retaining

3. At their first meeting each year, the board of inspectors should appoint one of their number as visitor. The visitor should, at as early a day as practicable, arrange for his visits, appointing the time for each school.

(Section 75.) When part of a district possessed of a school-house or other property, is set off to another district possessing a school-house, the part set off is not entitled to receive any share of the district property; what it loses in the old district being counted as made up by what it gains in the new.

the school-house or other property of the former district, in the same manner as if the same had been authorized by a vote of such district, and the money so assessed shall be placed to the credit of the taxable property taken from the former district, and shall be in reduction of any tax imposed in the new district on said taxable property for school district purposes.

Sec. 78. When collected, such amount shall be paid over to the assessor of the new district, to be applied to the use thereof, in the same manner, under the direction of its proper officers, as if such sum had been voted and raised by said district for building a school-house, or other district purposes. When apportionment collected to be paid over

Sec. 79. Between the first and fifteenth days of October in each year the inspector shall make out and deliver to the township clerk duplicate reports to the county clerk, setting forth the whole number of districts in their townships, the amount Report from Inspectors to Township Clerk.

(Section 79.) 1. The necessary blanks for the reports required by this section are annually forwarded to the proper officers. Three of these blanks are sent to each township clerk—two for the duplicate copies to be delivered to the county clerks, and one to be filed in the office of the township clerk for the use of the board and their successors. (See form No. 25.)

2. The facts and statements for the inspectors' reports are to be derived mainly from the annual reports of the district directors, required by section 54. Should these reports be deficient in any particulars, or incorrect, the inspectors are not authorized to correct them, except in the single case provided for in section 80. They may, however, and should, where time will permit, notify the director of the deficiency or error, and get the same corrected. In their report to the Superintendent of Public Instruction, the inspectors should furnish such facts within their knowledge, as will explain, as far as may be, the deficiencies therein.

3. The law as amended in 1861, requires the director to furnish with his report, a certified list of the names of the school children of the district. (Section 41.) The inspectors should compare these census lists, to see that the same children are not

of money raised and received for the township library, together with the several particulars set forth in the reports of the school directors for the preceding year.

Record of
teachers to
be examin-
ed before
report is
made, etc.

Sec. 80. The board of inspectors, before making their annual report to the county clerk, shall examine the record of teachers to whom certificates have been given by them, and if in any school district a school shall not have been taught for three months during the preceding school year by a qualified teacher, no part of the public money shall be distributed to such district, although the report from such district shall set forth that a school has been so taught; and it shall be the duty of the board to certify the facts in relation to any such district in their reports to the county clerk.

Formation
of districts
in two or
more town-
ships.

Sec. 81. Whenever it shall be necessary or convenient to to form a district from two or more adjoining townships, the inspectors, or a majority of them, of each of such adjoining townships, may form such district, and direct which township

reported in two districts, as sometimes happens. If the census list is not furnished, the inspectors should note the fact in their report. As this certified list is the legal evidence of the number of children of school ages in the district, there is no proper basis for the apportionment of public money to any district not furnishing the list.

4. The partial reports from directors of districts whose school-houses are not in the township, should never be copied into the inspectors' reports.

(Section 80.) 1. The month in this section must be understood to embrace twenty-six work days, though the vacant Saturdays, or Saturday afternoons, or regular holidays allowed the teacher, may be counted in.

2. No teacher is to be regarded as a qualified teacher who did not hold a certificate at the time of commencing school; nor can he be counted as a legally qualified teacher after his certificate has expired. On such expiration, he must apply for reexamination if he continues to teach.

(Section 81.) 1. Whenever the inspectors of two or more townships meet to form or alter the boundaries of fractional districts, a majority of each board is necessary to a decision.

clerk shall make and deliver the notice of the formation of the same to a taxable inhabitant thereof, and may regulate and alter such district as circumstances may render necessary. The director of such district shall make his annual report to the clerk ^{To whom report to be made.} of the township in which the school-house is situated.

Sec. 82. The director of every district formed as provided in the preceding section, shall also report to the clerk of each township in which the district is in part situated, the number of children between the ages of five and twenty years in that part of the district lying in such township; and books shall be drawn from the library of each township for the use of such district; but the district shall have access to but one such library at the same time, and the said inspectors shall establish the order in which books shall be drawn from each township library: *Provided*, That no books shall be drawn from any township library by any district having a district library; but such district shall be entitled to its just proportion of books from the library of any township in which it is partly situated, to be added to the district library, and also to its equitable share of any library moneys raised or received by any such township. ^{Director to report to each township.}

Sec. 83. Such school districts already formed from two or more townships, shall continue to be governed by the regulations already established according to law, in relation to the annual reports, and the drawing of books from the township libraries, subject to such changes as may be made in respect thereto by the said inspectors, in conformity with the preceding provisions. ^{Districts formed from two or more townships; how regulated.}

A simple majority of the joint boards is not sufficient. Nor can the inspectors of one township alone either add to, or take from, the territory of such district situated in their township.

2. The provisions for the annual reports of the directors of fractional districts, demand especial attention. The director should make only one full report, and that should embrace all the children in the district of proper school age. But he must also make a partial report to each of the other townships in which any part of the district is situated. Such partial reports must embrace only the number of children residing in that part of the district. For reports of taxes in fractional districts, see section 84

Amount of
taxes; how
certified to
supervisors

Sec. 84. The full amount of all taxes to be levied upon the taxable property of such district, shall be certified by the district board to the supervisor of each of such townships, and each of said supervisors shall certify to each other supervisor within whose township such district is in part situated, the amount of taxable property in that part of the district lying in his township; and such supervisors shall respectively ascertain the proportion of such taxes, to be placed on their respective assessment rolls, according to the amount of taxable property in each part of such district.

EXAMINATION OF TEACHERS.

Examina-
tion of
teachers.

Sec. 85. It shall be the duty of the inspectors to examine all persons offering themselves as candidates for teachers of primary schools in their townships, in regard to moral character, learning, and ability to teach a school; and they shall deliver to each person so examined and found qualified, a certificate

Certificate.

(Section 84.) Much confusion and trouble has arisen from the assessment of district taxes in fractional districts. Both the reason of the law and the law itself will be evident if it is remembered that no tax can be assessed upon any property in any township but by the supervisor of the township. Each supervisor must, therefore, be notified by the district board of the entire amount of the district taxes. Then each supervisor needs to know the entire amount of taxable property in the district. This latter information is furnished by the several supervisors to each other. Each supervisor knowing thus the entire amount of tax to be raised, and being able to ascertain the proportion of the property of the district lying in his township, is prepared to assess upon such property its equitable proportion of the tax.

(Section 85.) 1. The power to examine and license teachers, except in the case of Normal School graduates, is lodged exclusively in the boards of inspectors, and their action is final, not being subject to appeal. The mode of examination is left entirely to the discretion of the inspectors, and may be conducted orally or in writing. The latter mode is much the better. The questions may be carefully prepared before hand, and

signed by them, in such form as shall be prescribed by the Superintendent of Public Instruction, which certificate shall certify the branches in which the person holding it has passed a satisfactory examination, and shall be given at the discretion of the inspectors, for a term of not less than six months, nor

written out by the inspectors, and given to the candidates after they have assembled; or they may be written at the time on the black-board, or given orally. Thus each candidate, without referring to text books, or communicating with other candidates, is required to write an answer to each question. On these written answers, the inspectors award the certificates. No other examination is at once so thorough and so impartial as this. All the candidates answer the same questions, and answer with full deliberation; and the questions and answers if preserved, afford the means of answering all complaints of disappointed candidates and their friends. The questions should be fair, and plainly expressed.

2. No certificate should be given to a teacher who does not pass a satisfactory examination in the common branches, reading, orthography, geography, grammar and arithmetic. (See section 88.) Whenever the applicant proposes to teach in the higher departments of a graded school, or in any advanced primary school, he should be required to pass an examination in all the branches he will be expected to teach.

3. Inspectors may lawfully invite any gentleman they may choose, to assist them in their examinations; but they cannot depute any one to give a certificate in their stead, or to conduct examinations in their absence. Two of the inspectors may examine and license teachers, but one cannot act alone in this duty.

4. Inspectors owe it to the schools to refuse a certificate to any teacher who is a drunkard, or gambler, or who uses profane language, or indulges in any other gross immorality. No excellency of scholarship or experience, or skill in teaching, can compensate a school for the lack of moral purity and integrity in the teacher. The law has wisely made a good moral char-

Term "qualified teacher," defined. more than two years. No person shall be deemed a qualified teacher within the meaning of this chapter who has not such a certificate in force, or the legal certificate as a graduate of the State Normal school.

Meetings for examining teachers, and notice thereof.

Sec. 86. For the purpose of making such examination, the board of school inspectors shall meet on the second Saturday of April, and the first Saturday in October, and first Saturday of November in each year, at the office of the township clerk, or at such other place as they shall designate, of which meetings the township clerk shall give at least ten days notice in writing, by posting up the same in three public places in the township.

Examinations at other times.

Sec. 87. The inspectors may make such examination at such other times as they may designate for that purpose, but shall make no charge against the township for examining teachers at any other times than those specified in the preceding section.

acter a requisite for a qualified teacher, since it is on the virtue as well as on the intelligence of the people that the safety of the Republic depends. In case the candidate is a stranger to the inspectors they may require him to show satisfactory testimonials of his good moral character.

5. Only teachers of experience and approved success, should be licensed for the longest period. Young teachers should be contented to pass a noviciate of six months to prove their ability to teach.

6. Inspectors have no authority to grant a modified or partial certificate, certifying to competency in one or two branches, and not licensing to teach. The certificate must be in the form prescribed by the Superintendent of Public Instruction, and must not be given except the candidate passes a satisfactory examination in all the branches named in note 2, above. (See form No. 18.)

(Section 87.) 1. When inspectors hold special meetings, due notice should be given of the same. No examinations of teachers should be held, but at a meeting called for that purpose. The practice of one inspector's giving a certificate to be signed afterward by the others, is entirely irregular and unauthorized. As far as possible, the examinations should be confined to the regular days appointed by law, as they will be much more

Sec. 88. The examination of teachers shall be public, and no certificate shall be given by the inspectors, unless they are satisfied that the applicant possesses a good moral character, and a thorough and accurate knowledge of the several branches of study usually taught in primary schools, and is competent in other respects to teach and govern a school.

Sec. 89. When a district is situated in two or more townships, the teacher for such district shall be examined by the inspectors of the township to which the director is required to make his annual report.

Sec. 90. Whenever the inspectors shall deem it necessary to re-examine any teacher of a primary school in their township, they shall give five days notice to such teacher of the time and

Examination to be public; qualification of teachers.

Where teacher to be examined for district situated in two or more townships. Inspectors may re-examine

generally attended by the citizens, and will generally be more extended and thorough.

2. The inspectors are forbidden to make any charge against the township for these extra meetings to examine teachers; but as it cannot be designed to compel them to hold such meetings at their own expense, it has been held by this department that the inspectors are entitled to charge the teachers for whose benefit the examinations are held, and that they are not obliged to make such examinations without the teachers consent to such charge.

(Section 88.) 1. The requisition that the examination shall be public, would seem to demand that public notice should be given of the meeting. It certainly forbids those examinations sometimes made by a single inspector at his own house, and the granting of a certificate on such an examination, to be signed afterward by other inspectors.

2. The inspectors, it should be observed, must be satisfied not only that the candidate is of good moral character, and is thoroughly versed in all the common school studies, but that he is competent in every other respect, in age and discretion, both to *teach* and to *govern* a school. (See notes under section 85.)

(Section 90.) 1. Should the inspectors be convinced that the teacher's non-appearance at the time fixed for his re-examina-

teacher and annul certificate. place of such re-examination, and of their intention to annul his certificate if they find him deficient in the requisite qualifications; and at the time and place specified in the notice, if such teacher shall not appear and submit to such re-examination, or if he shall be found deficient as aforesaid, the inspectors shall annul said certificate.

Number of meetings of board. Sec. 91. The whole number of meetings of said board of inspectors during any one year, at the expense of the township, shall not exceed six; and whenever said board shall meet for the purpose of forming or altering school districts, they shall cause the like notice to be given as is required for meetings to examine teachers.

Notice in certain cases.

Sec. 92. and sec. 93. [Repealed by the act approved February 15, 1859.]

Inspectors to account to township board.

Sec. 94. It shall be the duty of the board of inspectors to render to the township board, on the Tuesday next preceding the annual township meeting, a full and true account of all moneys received and disbursed by them as such inspectors, during the year, which account shall be settled by said township board, and such disbursements allowed, if the proper vouchers are presented.

Sec. 95. [Repealed by act approved Feb. 15, 1859.]

tion, was owing to serious sickness or unavoidable accident, they should give him another opportunity for examination.

2. No teacher's certificate should be annulled on a mere report of incompetency; but the inspectors are bound to examine him, and, if necessary, visit his school and assure themselves personally of his deficiency.

3. Whenever the inspectors shall have annulled a teacher's certificate, they ought immediately to notify the district board that had employed him, as no public money can be paid him for services after such annulment, and none drawn on account of his teaching. The contract made with a qualified teacher becomes null and void by the annulling of his certificate. (See Notes on section 39.)

(Sections 92 and 93.) These sections, providing for the establishment of graded school districts by the inspectors, and the grading of the schools, were superseded by the graded and high school law of 1859. Section 148, &c.

CERTAIN DUTIES OF TOWNSHIP CLERK.

Sec. 96. The township clerk shall be the clerk of the board of school inspectors by virtue of his office, and shall attend all meetings of said board, and under their direction prepare all their reports and record the same, and shall record all their proceedings, including the names of teachers to whom certificates shall have been given, with the date of each certificate, and the name of each teacher whose certificate shall have been annulled, with the date of such annulment. Clerk of board of inspectors.

Sec. 97. On receiving notice from the county treasurer of the amount of school moneys apportioned to his township, he shall apportion the same amongst the several districts therein, entitled to the same, in proportion to the number of children in each between the ages of five and twenty years, as the same shall be shown by the annual report of the director of each district for the school year last closed. Clerk to apportion school moneys.

Sec. 98. Said clerk shall also apportion, in like manner, on receiving notice of the amount from the township treasurer, all moneys raised by township tax, or received from other sources for the support of schools, and in all cases make out and deliver To apportion school moneys raised by township and record apportionment.

(Section 96.) The township clerk is also required to file or record a copy of the certificate held by any graduate of the State Normal School, offering to teach in his township. Session laws of 1863, act 105, section 2.

(Section 97.) The districts entitled to public moneys are those which have had a school taught by a "qualified teacher" for three months during the preceding school year. No money should be apportioned to others. The income of the primary school fund is apportioned to the townships, by the Superintendent of Public Instruction, annually, in the month of May.

(Section 98.) 1. It is the duty of the township treasurer to notify the clerk of the amount of the school moneys received or raised for the township. (Section 110.) Although the proceeds of the two mill tax belong now to the districts in which it was raised, still the treasurer should notify the clerk of the amounts belonging to the several districts, that it may be put on record in his office; that the district boards may easily ascertain the amounts due their respective districts, and that he

to the township treasurer a written statement of the number of children in each district drawing money, and the amount apportioned to each district, and record the apportionment in his office.

To keep
books and
papers.

Sec. 99. He shall receive and keep all reports to the inspectors from the directors of the several school districts in his township, and all the books and papers belonging to the inspectors, and file such papers in his office.

To receive
and dispose
of commu-
nications
from Supt.
To transmit
inspectors'
reports.

Sec. 100. He shall receive all such communications as may be transmitted to him by the Superintendent of Public Instruction, and dispose of the same in the manner directed therein.

Sec. 101. He shall transmit to the county clerk all such reports as may be delivered to him for that purpose by the inspectors, within the time limited in this chapter.

To make
map of dis-
trict.

Sec. 102. Each township clerk shall cause a map to be made of his township, showing by distinct lines thereon the boundaries of each school district, and parts of school districts therein, and shall regularly number the same thereon as established by the inspectors.

To file copy
of map and
deliver
copy to su-
pervisor.

Sec. 103. One copy of such map shall be filed by the said clerk in his office, and one other copy he shall file with the supervisor of the township; and within one month after any division or alteration of a district, or the organization of a new one in his township, the said clerk shall file a new map and copy thereof as aforesaid, showing the same.

To certify
amount to
be collected
on division
of a district.

Sec. 104. The Clerk shall also certify to the supervisor the amount to be assessed upon the taxable property of any school district retaining the district school-house or other property, on the division of the district, as the same shall have been determined by the inspectors, and he shall also certify the same

may have the information required in filling up the annual reports.

2. Any part of the two mill tax raised on property not in any organized district, or in a district in which the school was not taught by a qualified teacher three months in the preceding year, must be reported to the township clerk and apportioned by him in the same manner as the primary school moneys.

3. The library moneys in a township having district libraries, must be apportioned by the clerk to the several districts. (Section 3, library law.)

4. For directions for apportioning school moneys in the case of fractional districts, see Notes on sections 142 and 143.

to the director of such district, and to the director of the district entitled thereto.

Sec. 105. Said clerk shall also be the township librarian, and Clerk to be librarian. as such shall have the custody of the township library; and he shall do and execute all such other acts and things pertaining to his office, as may be required of him by the inspectors.

OF TAXES FOR SCHOOL PURPOSES.

Sec. 106. It shall be the duty of the supervisor of the town- Assessment and collection of taxes for school purposes. ship to assess the taxes voted by every school district in his township, and also all other taxes provided for in this chapter, chargeable against such district or township, upon the taxable property of the district or township respectively, and to place the same on the township assessment roll in the column for school taxes, and the same shall be collected and returned by the township treasurer, in the same manner and for the same compensation as township taxes.

Sec. 107. The supervisor shall also assess upon the taxable Assessment property of his township two mills upon each dollar of the valuation thereof, in each year, and so much of the same as the qualified electors of said township shall decide by a majority vote, at the annual township meeting, shall be applied to the purchase of books for the district or township libraries, according How applied to be determined by vote. to the provisions of law, and the remainder shall belong to the

(Section 106.) Serious errors have sometimes occurred in the assessment of taxes upon fractional districts. For directions for assessing taxes upon such districts, see section 84 and notes.

(Section 107.) 1. It is not optional with supervisors to assess this tax. They are liable to each district for its share of the tax, with interest thereon, for any neglect or failure to assess it. (Section 141.) He is also liable under the statutes, to a penalty of five hundred dollars for willfully neglecting to assess any tax required by law.

2. Although this section provides that the proceeds of the two mill tax "shall belong to the districts in which it was raised," yet the State Constitution, which is the paramount law of the State, and overrides all opposing legislative enactments, declares that "any school district neglecting to maintain such school [for three months in the preceding year,] shall be de-

districts in which it was raised for the support of schools therein, and all moneys collected, by virtue of this act, on any property not in any organized school district of said township, shall be apportioned to the several school districts of said township, in the same manner as the primary school fund is now apportioned.

How apportioned.

Statement to be delivered to treasurer with warrant, &c. See sec. 141.

Sec. 108. The supervisor, on delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer, a written statement of the amount of school and library taxes, the amount raised for district purposes on the taxable property of each district in the township, the

prived for the ensuing year of its proportion of the income of the primary school fund, and of *all funds arising from taxes for the support of schools.*" (Art. 13, sec. 5.) All money, therefore, raised by the two mill tax in such districts, must be counted with that raised on property not in any organized district, and apportioned to the districts in which the schools were maintained, as required by law.

3. The vote must be taken annually at the township meeting to determine how much of the two mill tax shall be appropriated for the support of libraries. This vote may be *viva voce*, and may be for a gross amount, as 50 or 100 dollars, or may be for a per centum, as 15 per cent or 20 per cent. of the entire proceeds of the tax. No township ought to fail to make this appropriation, since a library is as necessary as a school for the education of the young.

4. The library money when distributed to the districts is to be apportioned in proportion to the number of children of legal school ages, in each. (See district school libraries, sec. 3.)

5. For mode of apportioning money to fractional districts, see section 142.

6. Money raised from the *two mill tax* is public money, and can only be used for the payment of the wages of "qualified teachers." But in case of a surplus after supporting a school for *eight* months in the year, the district may use such surplus for other school purposes, or for library books. (Section 172.) his provision is by a law approved March 20, 1863.

amount belonging to any new district on the division of the former district, and the names of all persons having judgments assessed under the provisions of this chapter upon the taxable property of any district, with the amount payable to each such person on account thereof.

Sec. 109. The township treasurer shall retain in his hands, School tax to be retained by treasurer, subject to warrant, etc. out of the moneys collected by him, after deducting the amount of the tax for township expenses, the full amount of the school tax on the assessment roll, and hold the same subject to the warrant of the proper district officers, to the order of the school inspectors, or of the persons entitled thereto.

Sec. 110. Said treasurer shall, from time to time, apply to Township treasurer to apply to Co. treasurer for moneys, etc. the county treasurer for all school and library moneys belonging to his township, or the districts thereof; and on receipt of the moneys to be apportioned to the districts, he shall notify the township clerk of the amount to be apportioned.

CERTAIN DUTIES OF THE COUNTY CLERK.

Sec 111. It shall be the duty of each county clerk to receive Co. clerk to receive and dispose of communications from Supt. all such communications as may be directed to him by the Superintendent of Public Instruction, and dispose of the same in the manner directed by said Superintendent.

Sec. 112. The clerk of each county shall, immediately after receiving the annual reports of the several boards of school inspectors, transmit to the Superintendent of Public Instruction one of the duplicate reports of each of the said several boards, and the other he shall file in his office; and on receiving notice Co. clerk to report to Supt. from the Superintendent, of the amount of moneys apportioned to the several townships in his county, he shall file the same in Notice of school moneys apportioned.

(Section 109.) 1. In Compiled Laws, chapter 17; section 57, it is provided that out of the moneys raised by taxes there shall *first* be paid the tax for township purposes; *second*, the taxes for school and library purposes, and *third*, the highway taxes. Therefore the school taxes must all be paid before any moneys can be paid for highway taxes. For directions in regard to moneys belonging to fractional districts, see sections 142 and 143.

(Section 110.) The income of the primary school fund is apportioned annually in May. The library moneys arising from fines, are required to be apportioned by the country treasurers between the *first* and *tenth* days of April in each year.

his office, and forthwith deliver a copy thereof to the county treasurer.

Sec. 113. [This section has been repealed.]

LIBRARIES.

Library to be maintained in each township.

Sec 114. A township library shall be maintained in each organized township in this State, which shall be the property of the township; and the parents and guardians of all children therein, between the ages of five and twenty years, shall be permitted to use books from such library without charge, being responsible to the township for the safe return thereof, and for any injury done thereto, according to such rules and regulations as are or may be established by the board of school inspectors of the township: *Provided*, That no township in which the township library has been distributed into district libraries, shall be required to maintain thereafter a township library: *And provided also*, That the school inspectors of any township may equitably divide the township library into district libraries, whenever requested by a vote of a majority of the districts in the township.

Books to be drawn once in three months, and returned by directors.

Sec. 115. The books in such township library shall, once in three months, be distributed by the township librarian among the several school districts of the township, in proportion to the number of children in each between the ages aforesaid, as the same shall appear by the last report of the director thereof, and said books shall be drawn and returned by the several directors for their respective districts.

Proceeds of fines, etc., to be apportioned by

Sec. 116. The clear proceeds of all fines for any breach of the penal laws of the State, and for penalties, or upon any recognizances in criminal proceedings, and all equivalents for exemp-

(Section 114.) This section was amended in 1861, to give the power of changing the township libraries to district libraries. The several districts may make this request by a vote at the annual meetings, or at any special meeting called for that purpose.

(Section 115.) The provisions of this section may be suspended by the inspectors in their discretion. (Section 144.) When suspended, readers may draw books directly from the township library.

(Section 116.) 1. In the case of the School Board of Detroit vs. The Supervisors of Wayne county, the Supreme Court de-

tion from military duty, when collected in any county, and paid into the county treasury, together with all moneys heretofore collected and paid into said treasury on account of such fines or equivalents, and not already apportioned, shall be apportioned by the county treasurer, between the first and tenth days of April in each year, among the several townships in the county, according to the number of children therein between the ages of five and twenty years, as shown by the last annual statement of the county clerk on file in his office, which money shall be applied to the purchase of books for the township or district libraries, and for no other purpose.

Sec. 117. In each district in which a district library has been established, the director shall, as the librarian of the district, distribute the books therein to the children of his district of proper age, and shall collect from the parents or guardians of such children, all such damages as they may respectively become liable to pay on account of any injury done to, or loss of, or neglect to return any of such books, or any books belonging to the district library.

cided that *the entire amount of fines, &c., collected*, belongs to the library fund; that no part thereof can be used to pay the costs of prosecution or collection. Under this decision any district board may sue for and recover the proportion of the fine moneys due the district and illegally withheld in past years. The violations of this section of the law are numerous and flagrant. Every year complaints reach this department of an illegal appropriation of the fines to the general fund of the counties and to other purposes. Let it be remembered the county treasurers are still answerable to the districts for these funds, notwithstanding any votes of the supervisors directing any other use of the same, and hereafter some energetic school board like that in Detroit may arise and demand that all these moneys be refunded. The supervisors have no more control over the fine moneys than over the primary school moneys apportioned to the county. While the law stands it should be obeyed. It is unwise and un-American to use an educational fund to pay less important expenses.

2. In case a township has adopted the district library system, the moneys received from fines, &c., is to be apportioned to the districts and parts of districts, severally.

ing to the township library, pursuant to such rules and regulations as shall be prescribed by the board of school inspectors.

Damages to books; how collected and applied. Sec. 118. If such damages shall have occurred by reason of any injury to, or loss of, or neglect to return any books belonging to the township library, they shall be collected in the name of the township, and paid into the township treasury for the benefit of such township library, and if the same shall have accrued by reason of any injury to, or loss of, or neglect to return any books belonging to the district library, the same shall be collected in the name of the district, for the benefit of the district library.

DISTRIBUTION OF THE INCOME OF THE SCHOOL FUND.

Interest of school fund to be distributed. Sec. 119. The interest of the primary school fund shall be distributed on the first Monday of May, or as soon thereafter as is practicable, in each year, for the support of primary schools in the several townships in this State, from which reports have been received by the Superintendent of Public Instruction, in accordance with the provisions of this chapter, for the school year last closed, in proportion to the number of children in such townships between the ages of five and twenty years; and the same shall be payable on the warrant of the Auditor General, to the treasurers of the several counties.

Co. treasurer to receive moneys and notify clerk of each township. Sec. 120. The several county treasurers shall apply for and receive such moneys as shall have been apportioned to their respective counties, when the same shall become due; and each of said treasurers shall immediately give notice to the treasurer and clerk of each township in his county, of the amount of school moneys apportioned to his township, and shall hold the same subject to the order of the township treasurer.

Sec. 121. [This section has been repealed.]

(Sections 117 and 118.) All of these sections that relates to district libraries, is rendered obsolete and void by the later law of 1859. That which relates to township librabries is still in force.

(Sections 119 and 120.) No township can share in this distribution unless it has made the requisite annual report; and no district that has not had a school taught therein by a qualified teacher for three months during the school year last closed.

OF SUITS AND JUDGMENTS AGAINST SCHOOL DISTRICTS.

Sec. 122. Justices of the peace shall have jurisdiction in all cases of assumpsit, debt, covenant, and trespass on the case against school districts, in which the amount claimed, or matter in controversy shall not exceed one hundred dollars, and the parties shall have the same right of appeal as in other cases. Justices to have jurisdiction in certain cases.

Sec. 123. When any suit shall be brought against a school district, it shall be commenced by summons, a copy of which shall be left with the assessor of the district, at least eight days before the return day thereof. Suit against district, how commenced.

Sec. 124. No execution shall issue on any judgment against a school district, nor shall any suit be brought thereon, but the same shall be collected in the manner prescribed in this chapter. No execution to issue against district.

Sec. 125. Whenever any final judgment shall be obtained against a school district, if the same shall not be removed to any other court, the assessor of the district shall certify to the supervisor of the township, and to the director of the district, the date and amount of such judgment, with the name of the person in whose favor the same was rendered, and if the judgment shall be removed to another court, the assessor shall certify the same as aforesaid, immediately after the final determination thereof against the district. Judgment against district to be certified to supervisor by assessor.

Sec. 126. If the assessor shall fail to certify the judgment as required in the preceding section, it shall be lawful for the party obtaining the same, his executors, administrators or assigns, to file with the supervisor the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified by the assessor. If assessor fails to certify, party may get certificate from justice or clerk.

Sec. 127. If the district against whom any such judgment shall be rendered, is situated in part in two or more townships, a certificate thereof shall be delivered as aforesaid to the supervisor of each township in which such district is in part situated. If district in two or more townships, certificate to each supervisor.

Sec. 128. The supervisor or supervisors receiving either of the certificates of a judgment as aforesaid, shall proceed to assess the amount thereof, with interest from the date of the judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of the district, placing the same on the next township assessment roll, in the column for school taxes, and the same proceedings shall be had, and the same shall be collected and returned in the same manner as other district taxes. Supervisors to assess amount of judgment and interest, how collected and returned.

PENALTIES AND LIABILITIES.

Penalty for neglecting to serve notice of first meeting, etc. Sec. 129. Every taxable inhabitant receiving the notice mentioned in the first and second sections of this chapter, who shall neglect or refuse duly to serve and return such notice, and every chairman of the first district meeting in any district, who shall willfully neglect or refuse to perform the duties enjoined on him in this chapter, shall respectively forfeit the sum of five dollars.

Penalty on district officers for neglect, etc. Sec. 130. Every person duly elected to the office of moderator, director or assessor of a school district, who shall neglect or refuse, without sufficient cause, to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

Penalty on inspectors not qualifying or neglecting duty Sec. 131. Every person duly elected or appointed a school inspector, who shall neglect or refuse, without sufficient cause, to qualify and serve as such, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

Board of school inspectors liable for neglect. Sec. 132. If any board of school inspectors shall neglect or refuse to make and deliver to the township clerk their annual report to the county clerk, as required in this chapter, within

(Sections 129 to 136.) The following decisions of courts, copied from page 420, School Laws, published by Hon. Francis W. Shearman, Superintendent in 1852, will throw light upon the sections relating to penalties:

Officers required by law to exercise their judgments, are not answerable for mistakes of law, or mere errors of judgment, without any fraud or malice.—*Jenkins vs. Waldron*, 11th Johnson's Reports, 114.

A public officer who is required by law to act in certain cases, according to his judgment or opinion, and subject to penalties for his neglect, is not liable to a party for an omission arising from a mistake or want of skill, if acting in good faith.—*Seaman vs. Paten*, 2d Caine's Reports, 312.

But an officer entrusted by the common law or by statute is liable to an action for *negligence* in the performance of his trust, or for *fraud* or neglect in the execution of his office.—*Jenner vs. Joliffe*, 9 John. Rep., 381.

the time limited therefor, they shall be liable to pay the full amount of money lost by their failure, with interest thereon, to be recovered by the township treasurer in the name of the township, in an action of debt, or on the case. [See sec. 79.]

Sec. 133. If any township clerk shall neglect or refuse to transmit the report mentioned in the preceding section, to the county clerk, as required in this chapter, he shall be liable to pay the full amount lost by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the preceding section. Township clerk neglecting to transmit reports, liable for amount lost.

Sec. 134. Every county clerk who shall neglect or refuse to transmit the report required in this chapter, to be made by him to the Superintendent of Public Instruction, within the time therefor limited, shall be liable to pay to each township the full amount which such township, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the last two preceding sections. Co. clerk neglecting to make annual report, liable for amt. lost.

Sec. 135. All the moneys collected or received by any township treasurer under the provisions of either of the three last preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the same manner, and in the same proportion, that the moneys lost by any neglect or refusal Money collected on account of neglect, how disposed of.

The collector or other officer who *executes* process, has peculiar protection. He is protected, although the court or officer issuing such process have not, in fact, jurisdiction of the case; if, on the face of the process, it appears that such court or officer had jurisdiction of the *subject-matter*, and nothing appears in such process to apprise the officer but that there was jurisdiction of the person of the party affected by the process.—*Savacool vs. Boughton*, 5 *Wendell's Reports* 170.—[*N. Y. Dec.*]

In a decision of the Supreme Court of New York, (5 *Wendell*, p. 234,) the Court said:

"It will be observed that these cases do not go upon the ground that the claim by an individual to be a public officer, and by acting as such, is merely *prima facie* evidence that he is an officer *de jure*, (of right,) but the principle they establish is this: that an individual coming into office by color of an election or appointment, is an officer *de facto*, (in fact,) and his acts in relation to the public, or third persons, are valid until

therein mentioned would, according to the provisions of this chapter, have been apportioned and distributed.

Removal of
officers for
illegal use of
money.

Sec. 136 The township board of each township shall have power, and is hereby required to remove from office, upon satisfactory proof, after at least five days notice to the party implicated, any district officer or school inspector who shall have illegally used or disposed of any of the public moneys entrusted to his charge, or who shall persistently, and without sufficient cause, refuse or neglect to discharge any one of the duties of his office.

MISCELLANEOUS PROVISIONS RELATING TO PRIMARY SCHOOLS.

Persons
paying tax-
es in dis-
trict may
send to
school, and
be rated
therein.

Proviso.

When dis-
trict shall
be divided
after tax as-
sessed and
not collect-
ed; how tax
collected
and appor-
tioned.

Sec. 137. Any person paying taxes in a school district in which he does not reside, may send scholars to any district school therein, and such person shall, for that purpose, have and enjoy all the rights and privileges of a resident of such district, except the right of voting therein, and shall be rated therein for teachers' wages and fuel, and in the census of such district, and the apportionment of moneys from the school fund, scholars so sent, and generally attending such school, shall be considered as belonging to such district: *Provided*, That a majority of the qualified voters attending at any regular meeting in the district in which such person resides, shall have determined that no school shall be taught in said district for the year: *Or provided further*, That such persons shall not reside in any organized school district.

Sec. 138. Whenever any portion of a school district shall be set off and annexed to any other district, or organized into a new one, after a tax for district purposes other than the payment of any debts of the district shall have been levied upon the taxable property thereof, but not collected, such tax shall be collected in the same manner as if no part of such district had been set off, and the said former district and the district to which the portion so set off may be annexed, or the new district organized from such portion, shall each be entitled to such

he is removed, although it be conceded that his election or appointment was illegal."

"In the case of *trustees and collectors of school districts*, general reputation of their being such officers, and proof of their acting as such, is *prima facie* sufficient, without producing evidence of their election, especially where there is evidence of their acting under color of an election."—7 *Wendell Rep.* p. 341.

proportion of said tax as the amount of taxable property in each part thereof bears to the whole amount of taxable property on which such tax is levied.

Sec. 139. For the purpose of apportioning the income of the primary school fund among the several townships, a district situated in part in two or more townships shall be considered as belonging to the township to which the annual report of the director is required to be made; [but money raised in any one of such townships for the support of schools therein, shall be apportioned to the districts and parts of districts therein, according to the number of children of the proper age in each.]

Districts in two or more townships, income of school fund, how apportioned, etc.

Sec. 140. The qualified voters of any school district may, by vote at their annual district meeting, raise by tax upon the taxable property of the district, a sum not exceeding one dollar for every scholar in the district between the ages of four and eighteen years, for the support of common schools in the district, and such tax shall be reported to the supervisor of the proper township, and shall be levied, collected and returned in the same manner as township taxes are levied, collected and returned.

Voters may raise tax for support of schools.

Sec. 141. If any supervisor shall neglect or refuse to assess the taxes provided for in section one hundred and seven, of chapter fifty-eight, of the Revised Statutes, he shall be liable

Supervisor liable for neglect to.

(Section 139.) The latter part of this section, included in brackets, is virtually repealed by the amendment of section 107. Money now raised in any township for the support of schools therein, is counted as belonging to the districts in which it is raised, each district receiving back all it paid of such tax, except in case of library money,—provided that no district shall receive any part of such money without having maintained a school three months the previous year.

(Section 140.) 1. This section was supposed to have been repealed by the Legislature in 1859, and it was accordingly left out of the school laws published that year; but it was afterward discovered that the repealing clause was, by some mistake, omitted in the engrossed bill signed by the Governor, and thus the repeal failed. It is, therefore, still in force, and is here restored in its proper place and number, and the subsequent sections have each a number higher by one than they had in the school laws of 1859.

district from among the male persons residing in such district, of the age of twenty-one years, who are tax-payers therein; *Acceptance, where filed.* which officers thus appointed shall severally file with the director a written acceptance of the offices to which they shall have been appointed, which shall be recorded by the director.

When district deemed to be organized. Sec. 147. Every such school district shall be deemed duly organized, when any two of the officers thus appointed shall have filed their acceptance as aforesaid; and such school district and its officers shall be entitled to all the rights, privileges and immunities, and be subject to all the duties and liabilities conferred upon school districts by law.

• GRADED AND HIGH SCHOOLS.

Certain districts may elect board of trustees. Sec. 148. Any school district containing more than one hundred children between the ages of five and twenty years, may elect a district board consisting of six trustees: *Term of office of trustees.* *Provided,* The district shall so determine at an annual meeting, by a vote of two-thirds of the legal voters attending such meeting: *Provided also,* That the intention to take such vote shall be expressed in the notice of such annual meeting. When such a change in the district board shall have been voted, the voters at such annual meeting shall proceed immediately to elect from the qualified voters of the district, two trustees for the term of one year, two for a term of two years, and two for a term of three years; and annually thereafter, two trustees shall be elected, whose terms of office shall be three years, and until their successors shall have been elected, and filed their acceptances.

then it is the duty and right of the district to fill it at a special meeting called for that purpose. If two vacancies occur at once, then the single remaining officer cannot fill the vacancies, but must, on request of voters, call the special meeting to elect. But if the district in this latter case refuse or neglect, for an unreasonably long time, to fill vacancies, the inspectors may interfere and appoint officers.

(Section 148.) Care should be taken to insert the notice of intention to take the vote to organize as a graded school district and to elect a board of trustees, in the regular notices of the annual meeting, as without such notice the meeting will have no power to organize under this section. It is not sufficient to insert such notice of intention in the notice of the adjourned annual meeting.

Sec. 149. Within ten days after their election, such trustees shall file with the director a written acceptance of the office to which they have been elected, and shall annually elect from their own number a moderator, a director and assessor, and for cause may remove the same, and may appoint others of their own number in their places, who shall perform the duties prescribed by law for such officers in the primary school districts in this State, except as hereinafter provided. The trustees shall have power to fill any vacancy that may occur in their number till the next annual meeting. Whenever, in any case, the trustees shall fail, through disagreement or neglect, to elect the officers named in this section, within twenty days next after the annual meeting, the school inspectors of the township or city to which such district makes its annual report, shall appoint the said officers from the number of said trustees.

Sec. 150. Said trustees shall have power to classify and grade the scholars in such district, and cause them to be taught in such schools or departments as they may deem expedient; to establish in said district a high school, when ordered by a vote of the district at any annual meeting, and to determine the qualifications for admission to such school, and the prices to be paid for tuition in any branches taught therein; to employ

(Section 150.) 1. The classification of the pupils into grades need not be done by the trustees in person, but may be done by the teachers under their authority. They should determine the qualifications and attainments necessary for admission to each grade, and prescribe the studies and text books to be pursued by each.

A course of studies suitable for a graded school will be found further on in this volume.

2. The authority to establish a high school refers to the establishment of a central high school by itself. The power to grade into different departments involves the power to make a high school grade, since the highest grade will in any case be of the nature of a high school.

3. The right to make regulations includes the power to determine length of terms and vacations, the time of opening and closing the daily sessions, and to make and enforce needful rules to secure punctual and regular attendance, as well as all other matters necessary to the prosperity of the school.

To employ teachers and pre-scribe course of study and text books.

all teachers necessary for the several schools of said district; to prescribe courses of study and text books for the use of said schools, and to make such rules and regulations as they may think needful for the government of the schools, and for the preservation of the property of the district; and also to determine the rates for tuition to be paid by non-resident pupils attending any school in said district.

Annual statement of receipts and expenditures. Estimate for coming year.

Sec. 151. The said trustees shall present, at each annual meeting, a statement in writing of all receipts and expenditures on behalf of the district, for the preceding year, and of all funds then on hand, and an estimate of the amounts necessary to be raised by the district, in addition to the money to be received from the primary school fund and other sources, for the support of the schools of said district for the ensuing year, and for the incidental expenses thereof; and the said district may, at each annual meeting, vote such sums to be raised by tax, upon the taxable property of the district, as may be required to maintain the several schools thereof, for the year.

District may vote tax to support schools.

Districts may be united to form graded schools.

Sec. 152. Whenever two or more contiguous districts, having together more than two hundred children between the ages of five and twenty years, shall severally, by a vote of two-thirds of the qualified voters attending the annual meetings in said districts, determine to unite for the purpose of establishing graded or high schools, under the provisions of this act, the school inspectors of the township or townships in which such districts may be situated, shall, on being properly notified of such vote, proceed to unite such districts, and shall appoint, as soon as practicable, a time and place for a meeting of the new district, and shall require notices of the same to be posted in each of the districts so united, at least five days before the time of such meeting; and at such meeting the district shall elect a board of trustees, as provided in section 1 of this act, [sec. 148 above,] and may do whatever business may be done at any annual meeting.

Inspectors to unite them and appoint first meeting.

(Section 152.) Graded school districts are not restricted to nine sections of land. The districts united under this section might each have embraced nine sections. The power of the union district to establish several schools enables it to provide for a larger territory than could find convenient access to a single school. An entire township might be embraced in a single district without disadvantage.

SCHOOL-HOUSE SITES—ADDITIONAL PROVISIONS.

Sec. 153. The qualified voters in any school district, having more than three hundred children between the ages of five and twenty years residing in such district, shall have power, when lawfully assembled, to designate by a vote of two-thirds of those present any number of sites for school-houses, including a site for a union school house, and to change the same by a similar vote at any regular meeting: *Provided*, That in case two thirds cannot agree upon a site for said school-house, that a majority of the voters of said district shall have power to instruct the district board to locate said site.

Voters may designate site for schoolhouse by two-thirds vote.

When district board may designate site.

Sec. 154. Whenever a site for a school-house shall be designated, determined or established, in any manner provided by law, in any school district, and such district shall be unable to agree with the owner of such site upon the compensation to be paid therefor, or in case such district shall, for any cause, be unable to purchase or procure a title to such site, the district board of such district may authorize any one or more of its members to apply to the circuit judge, if there be one in the county, or to a circuit court commissioner of the county, or to any justice of the peace of the city or township in which such school district shall be situated, for a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, which application shall be in writing, and shall describe the real estate required by such district as accurately as is required in a conveyance of real estate.

Compensation for site; how ascertained.

Application for jury.

Sec. 155. It shall be the duty of such circuit judge, circuit court commissioner, or justice of the peace, upon such application being made to him, to issue a summons or venire, directed to the sheriff or any constable of the county, commanding him to summon eighteen freeholders residing in the vicinity of such site, who are in no wise of kin to the owner of such real estate, and not interested therein, to appear before such judge, commissioner or justice, at the time and place therein named, not

Jury to be summoned.

(Section 153.) The term union school in this section was probably used somewhat loosely to designate the central high school sometimes established under the graded school system. It is to be taken therefore, as exactly equivalent to the term high school used in section 150. This section gives some of the powers of a graded school district to any district having 300 children of legal school ages.

less than twenty, nor more than thirty days from the time of issuing such summons or venire, as a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, and to notify the owner or occupant of such real estate, if he can be found in the county, of the time when and the place where such jury is summoned to appear, and the object for which said jury is summoned; which notice shall be served at least ten days before the time specified in such summons or venire for the jury to appear, as hereinbefore mentioned.

Owner to be notified.

Notice in cases where owner is unknown.

Return of venire, and the proceedings thereon.

Attachment may issue to enforce

Sec. 156. Thirty days' previous notice of the time when and the place where such jury will assemble, shall be given by the district board of such district, where the owner or owners of such real estate shall be unknown, non-residents of the county, minors, insane, *non compos mentis*, or inmates of any prison, publishing the same in a newspaper published in the county where such real estate is situated; or if there be no newspaper published in such county, then in some newspaper published in the nearest county where a newspaper is published, once each week for four successive weeks, which notice shall be signed by the district board, or by the director or assessor of such district, and shall describe the real estate required for such site, and state the time when and place where a jury will assemble, and the object for which they will assemble, or such notice may be served on such owner personally by leaving a copy thereof at his last place of residence.

Sec. 157. It shall be the duty of such judge, commissioner or justice, and of the persons summoned as jurors, as heretofore provided, and of the sheriff or constable summoning them to attend at the time and place specified in such summons or venire, and the officer who summoned the jury shall return such summons or venire to the officer who issued the same with the names of the persons summoned by him as jurors. The officer shall certify the manner of notifying the owner (or owners) of such real estate, if he was found, and if he could not be found in said county, he shall certify that fact; either party may impeach any of the said jurors for the same causes as in civil actions. If more than twelve of said jurors in attendance be found qualified to serve as jurors, the officer in attendance and who issued the summons or venire for such jury, shall strike from the list of jurors a number sufficient to reduce the number of jurors in attendance to twelve, and in case less than twelve of the number so summoned as jurors shall attend, the sheriff or constable shall summon a sufficient number of holders to make up the number of twelve, and the officer issuing the summons or venire for such jury, may issue an attachment for any person summoned as a juror who shall fail

tend, and may enforce obedience to such summons, venire or attachment, as courts of record, or justice's courts are authorized to do in civil cases. to process.

Sec. 158. The twelve persons selected as the jury shall be duly sworn by the judge, commissioner or justice in attendance, faithfully and impartially to inquire, ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same in the manner proposed by such school district, and the persons thus sworn shall constitute the jury in such case. Subpoenas for witnesses may be issued, and their attendance compelled by such circuit judge, commissioner or justice, in the same manner as may be done by the circuit court or by a justice's court in civil cases. The jury may visit and examine the premises, and from such examination and such other evidence as may be presented before them, shall ascertain and determine the necessity for using such real estate in the manner and for the purpose proposed by such school district, and the just compensation to be made therefor; and if such jury shall find that it is necessary that such real estate shall be used in the manner or for the purpose proposed by such school district, they shall sign a certificate in writing, stating that it is necessary that said real estate (describing it) should be used as a site for a school-house for such district, also stating the sum to be paid by such school district as the just compensation for the same. The said circuit judge, circuit court commissioner, or justice of the peace, shall sign and attach to, and endorse upon the certificate thus subscribed by the said jurors, a certificate stating the time when, and the place where, the said jury assembled, that they were by him duly sworn as herein required, and that they subscribed the said certificate; he shall also state in such certificate who appeared for the respective parties on such hearing and inquiry, and shall deliver such certificate to the director, or to any member of the district board of such school district. Jury to be sworn. Subpoena for witnesses. Jury to determine necessity for taking land, and compensation therefor. Clerk to make certificate.

Sec. 159. Upon filing such certificate in the circuit court of the county where such real estate is situated, such court shall, if it finds all the proceedings regular, render judgment for the sum specified in the certificate signed by such jury, against such school district, which judgment shall be collected and paid in the manner as other judgments against school districts are collected and paid. Judgment; collection thereof.

Sec. 160. In case the owner of such real estate shall be unknown, insane, *non compos mentis*, or an infant, or cannot be found within such county, it shall be lawful for the said school district to deposit the amount of such judgment with the county treasurer of such county, for the use of the person or persons When owner is unknown, etc., money to be deposited with county treasurer.

entitled thereto; and it shall be the duty of such county treasurer to receive such money, and at the time of receiving it to give a receipt or certificate to the person depositing the same with him, stating the time when such deposit was made, and for what purpose; and such county treasurer and his sureties shall be liable on his bond, for any money which shall come into his hands under the provisions of this act, in case he shall refuse to pay or account for the same as herein required: *Provided*, That no such money shall be drawn from such county treasurer, except upon an order of the circuit court, circuit court commissioner, or judge of Probate, as hereinafter provided.

How to be drawn from county treasurer.

On payment court may declare the title be vested in school district.

Sec. 161. Upon satisfactory evidence being presented to the circuit court of the county where such real estate lies, that such judgment, or the sum ascertained and determined by the jury as the just compensation to be paid by such district for such site, has been paid, or that the amount thereof has been deposited according to the provisions of the preceding section, such court shall by an order or decree, adjudge and determine, that the title in fee of such real estate shall, from the time of making such payment or deposit, forever thereafter be vested in such school district and assigns; a copy of which decree, certified by the clerk of said county, shall be recorded in the office of the register of deeds of such county, and the title of such real estate shall thenceforth, from the time of making such payment or deposit, be vested forever thereafter in such school district and its assigns in fee.

When district to take possession.

Sec. 162 Such school district may, at any time after making the payment or deposit hereinbefore required, enter upon, and take possession of such real estate, for the use of said district.

When jury cannot agree, proceedings may be adjourned, and new jury summoned.

Sec. 163. In case the jury hereinbefore provided for shall not agree, another jury may be summoned in the same manner, and the same proceedings may be had, except that no further notice of the proceedings shall be necessary; but instead of such notice, the judge, commissioner, or justice, may adjourn the proceedings to such time as he shall think reasonable, not exceeding thirty days, and shall make the process to summon a jury returnable at such time and place as the said proceedings shall be adjourned to; such proceedings may be adjourned from time to time by the said judge, or commissioner, or justice, on the application of either party, and for good cause, to be shown by the party applying for such adjournment, unless the other party shall consent to such adjournment; but such adjournments shall not in all exceed three months.

Sec. 164. The district board of any school district shall have power to fix the amount of tuition to be paid by non-resident scholars attending any of the schools in said district; and in cases where there shall be a union school in any such district, to be paid by scholars attending such union school, and to make and enforce suitable by-laws and regulations for the government and management of such union school, and for the preservation of the property of such district. Such district board shall also have power to regulate and classify the studies, and prescribe the books to be used in such school.

District board may fix amount of tuition to be paid by scholars in certain cases. Make laws for school.

Sec. 165. No alteration shall be made in the boundaries of any school district, having a union school, without the written consent of a majority of the district board of such district.

How boundaries of district altered

Sec. 166. Any school district having more than three hundred children, between the ages of four and eighteen years, residing in such district, shall have power and authority to borrow money to pay for a site for a union school-house, to erect buildings thereon, and to furnish the same, by a vote of two-thirds of the qualified voters of said district present at any annual meeting, and by a like vote at any other regular meeting: *Provided*, That the times of holding such meetings shall not be less than five days, nor more than six months apart, and that the whole debt of any such district, at any one time, for money thus borrowed, shall not exceed fifteen thousand dollars.

Districts having 300 children between four and eighteen years, may borrow money.

Limitation of amount.

Sec. 167. The circuit judge, judge of probate, or circuit court commissioner of any county where any money has been de-

How money deposited with county

(Section 164.) This section was enacted before the law for graded schools. It has been rendered useless by subsequent enactments; the powers it confers, being secured to primary districts by the amendments to sections 57 and 58, and to graded school districts by section 150. Sections 167, 168, 169, ought properly to precede section 164.

(Section 165.) The term "union school" used in this and the preceding and succeeding sections, is indefinite, there being no legal definition of the term. In popular language it is now used to designate a school of several departments or grades—a graded school; though sometimes it is applied to the public high school. It must be taken in this section to mean a graded school, as established by law, and the section will then apply only to the school districts organized with boards of trustees.

treasurer
may be
drawn from
him.

posited with the county treasurer of such county, as hereinbefore provided, shall upon the written application of any person or persons entitled to such money, and upon receiving satisfactory evidence of the right of such applicant to the money thus deposited, make an order, directing the county treasurer to pay the money thus deposited with him to said applicant; and it shall be the duty of such county treasurer, on the presentation of such order, with the receipt of the person named therein endorsed on said order, and duly acknowledged, in the same manner as conveyances of real estate are required to be acknowledged, to pay the same; and such order, with the receipt of the applicant or person in whose favor the same shall be drawn, shall, in all courts and places, be presumptive evidence in favor of such county treasurer, to exonerate him from all liability to any person or persons for said money thus paid him.

Compensation
of officers
and jurors
on proceedings
to obtain site
for school-
house.

Sec. 168. Circuit judges, circuit court commissioners, and justices of the peace, for any services rendered under the provisions of this act, shall be entitled to the same fees and compensation as for similar services in other special proceedings; jurors, constables and sheriffs, shall be entitled to the same fees as for like services in civil cases in the circuit court.

When judge
or justice
unable to
attend, an-
other may
finish pro-
ceedings.

Sec. 169. In case any circuit judge, circuit court commissioner, or justice of the peace, who shall issue a summons or venire for a jury, shall be unable to attend to any of the subsequent proceedings in such case, any other circuit court commissioner or justice of the peace, may attend and finish said proceedings.

Bonds may
be issued
for money
loaned.

Sec. 170. Whenever any school district shall have voted to borrow any sum of money, the district board of such district is hereby authorized to issue the bonds of such district in such form, and executed in such manner by the moderator and director of such district, and in such sums, not less than fifty dollars, as such district board shall direct, and with such rate of interest, not exceeding ten per centum per annum, and payable at such time or times as the said district shall have directed.

Interest
thereon.

District
may raise
tax to pay
loan.

Sec. 171. Whenever any money shall have been borrowed by any school district, the taxable inhabitants of such district are hereby authorized, at any regular meeting of such district, to impose a tax on the taxable property in such district for the purpose of paying the principal thus borrowed, or any part thereof, and the interest thereon, to be levied and collected as other school district taxes are collected.

SURPLUS SCHOOL MONIES.

Surplus mo-
ney; how
disposed of.

Sec. 172. The qualified voters in any school district, having a surplus of money, arising from the two mill tax, and unexpended, when assembled at any annual or special school

meeting, called in accordance with existing provisions of law therefor, shall have power to appropriate and use any such surplus money for any of the following purposes, to wit:

First. For purchasing or enlarging school lot or lots;

Second. For building or repairing school-houses;

Third. For purchasing books for district library, maps and other school apparatus, or any incidental expenses of the school; *Provided, however,* That a school be maintained in each of said school districts at least eight months in each year; *And, provided further,* That no money arising from the primary school fund shall be appropriated to any other purposes than that of paying teachers in any such school district.

(Section 172.) 1. This section was approved March 20, 1863. No surplus moneys can be diverted under it till after the school has been maintained eight months within the school year.

2. The order of the purposes as named, to which the surplus is to be appropriated, is not essential. The voters may appropriate to either of the purposes named.

SCHOOL DISTRICT LIBRARIES.

[Act Approved February 15, 1859.]

District li-
braries, how
established.

Duty of
township
inspectors.

Sec. 1. At the annual town meetings to be held in April next, the legal voters voting in the respective townships of the State, shall determine by ballot for the continuance of the township library, or for the establishment of district libraries in the place thereof. A separate box shall be kept for their votes, and the ballots shall have written or printed thereon, "township library," or "district libraries." If a majority of the ballots so cast in any township, shall have "township library" thereon, the library shall remain as before; but if a majority of the ballots shall have "district libraries" thereon, then the township inspectors at their next meeting thereafter, shall proceed to divide the township library equitably among the districts and parts of districts in such township, in proportion to the number of children of legal school ages therein, and shall deliver the same to the district boards of the districts to which they may be apportioned. Said books shall thereafter belong to the respective districts, and shall constitute district libraries for the use of the residents of such districts.

Sec. 2. The district board shall be held accountable for the

(Section 1.) 1. The books apportioned to a fractional district are to be kept as a district library for that district. They can not be put into the township library of any other township in which such fractional district may be partly situated, but must be retained as a district library *for the use of the district*.

2. The authority to vote a division of the township library, under this section, was confined to the year of its enactment. The power to divide township into district libraries belongs, under a later amendment of section 114, to the board of inspectors, whenever requested by the majority of the districts.

(Section 2.) 1. The district board may appoint a librarian and remove him at pleasure.

proper care and preservation of the district library, and shall have power to provide for the safe keeping of the same, to prescribe the time for taking and returning books, and to assess and collect all fines and penalties for the loss or injury of said books. The district board shall appoint a librarian, and determine the place where the library shall be kept, but in all cases in which the library may be properly secured at the district school-house, it shall be kept at such school-house.

District board to have management of library..

Sec. 3. The library moneys belonging to any township so determining in favor of district libraries, or which may hereafter belong to such township, shall be apportioned among the several districts thereof, in the same manner as the primary school moneys are apportioned, and shall be expended by the district boards in purchasing books for the district libraries.

Where kept. Library money, how disposed of.

Sec. 4. It shall be the duty of the State Board of Education to make a list of books which are unsectarian in character, and

State board to select list of books.

2. The board are authorized by the law to provide a suitable case, without waiting for a vote of the district. The case should be commodious in size, and strong. It should be also provided with a good lock and key.

3. Whenever the district board may deem it safe to keep the library at the school-house, it must be deposited there. Perhaps in most instances, if a suitably strong case is provided, it will be found safe to keep the library at the school-house during the school-terms. It will frequently be found desirable to appoint the teacher librarian, and especially if the library is kept at the school-house.

4. Before delivering the books to the librarian, two lists of such books should be made, one to be kept by the district board and the other to be furnished to the librarian, and notes should be made of the condition of each book. The librarian's receipt should be attached to the list retained by the board.

5. The district board should also make some written rules for the drawing and returning of the books, with penalties for their injury or loss, and should appoint the time (say Friday afternoon of each week,) when the library shall be open:

(Section 4.) The purpose of this section is two fold: 1st. To give the districts the benefit of a general contract, under

suitable for district or township libraries, which list they may from time to time revise and amend; to advertise for proposals for furnishing the same, and to contract with the lowest responsible bidder to furnish such books to the districts or townships ordering them, in suitable binding and at stipulated prices; said contract to be made biennially, and the advertisements for proposals to be made in at least two papers of the largest circulation in the State, for one month before making the contract.

To contract for books. Previous to the first day of January in each year, the Superintendent of Public Instruction, shall send to the director of each district having a district library, and the clerk of each township having a township library, a list of the books contracted for, with the prices of the same, from which list the district board, or township board of inspectors, shall, unless a different order shall have been made by the voters of the district or township, annually or oftener, select and purchase books for the district or township libraries, to the full amount of library moneys in their hands.

List to be sent to districts and townships.

School officers must purchase from list.

which they may get books cheaper, and more conveniently, and 2d. To secure the districts against bad books, by furnishing them a carefully selected list to select from. To secure these advantages, the school officers are required to purchase under the contract unless the people direct otherwise.

NORMAL SCHOOL DIPLOMAS.

The following is the act authorizing the State Board of Education to grant diplomas to graduates of the State Normal School, as amended March 14, 1863:

SECTION 1. The State Board of Education is authorized to grant to such students as shall have completed the full course of instruction in the State Normal School, and shall have been recommended by the board of instruction, a diploma, which, when signed by the members of the Board of Education, and by the board of instruction, shall be evidence that the person to whom such diploma is granted is a graduate of the State Normal School, and entitled to all the honors and privileges belonging to such graduates.

Sec. 2. The board of instruction of the Normal School shall give to every graduate receiving such diploma a certificate, which shall serve as a legal certificate of qualification to teach in the primary schools of any township in this State, when a copy thereof shall have been filed or recorded in the office of the clerk of such township. Such certificate shall not be liable to be annulled, except by the board of instruction, but its effect may be suspended in any township, and the holder thereof may be stricken from the list of qualified teachers in such township, by the school inspectors, for any cause that would authorize them to annul a certificate given by themselves.

TEACHERS' INSTITUTES.

[Act as amended March 16, 1881.]

SECTION 1. Whenever reasonable assurance shall be given to the Superintendent of Public Instruction that a number not less than fifty, or in counties containing a population of less than twelve thousand inhabitants, whenever twenty-five teachers of common schools shall desire to assemble for the purpose of forming a Teachers' Institute, and to remain in session for a period of not less than five working days, said Superintendent is authorized to appoint a time and place for holding such Institute, to make suitable arrangements therefor, and to give due notice thereof.

Sec. 2. For the purpose of defraying the expenses of rooms, fires, lights, attendance, or other necessary charges, and for procuring teachers and lecturers, the Auditor General shall, upon the certificate of the Superintendent of Public Instruction, that he has made arrangements for holding such Institute, draw his warrant upon the State Treasurer for such sum as said Superintendent shall deem necessary for conducting such Institute, which sum shall not exceed one hundred dollars for each Institute of five days' duration, and shall be paid out of the general fund.

Sec. 3. Said Superintendent, in case of inability personally to conduct any Institute, or to make the necessary arrangements for holding the same, is authorized to appoint some suitable person or persons for that purpose: *Provided*, That not more than eighteen hundred dollars shall be drawn from the Treasury in any one year, to meet the provisions of this act,

TEACHERS' ASSOCIATIONS.

[Act Approved February 12, 1857.]

SECTION 1. Any fifteen or more teachers, or other persons residing in this State, who shall associate for the purpose of promoting education and science, and improvements in the theory and practice of teaching, may form themselves into a corporation, under such name as they may choose, providing they shall have published, in some newspaper printed at Lansing, or in the county in which such association is to be located, for at least one month previous, a notice of the time, place and purpose of the meeting for such association, and shall file in the office of the Secretary of State a copy of the constitution and by-laws of said association.

Sec. 2. Such association may hold and possess real and personal property to the amount of five thousand dollars; but the funds or property thereof shall not be used for any other purpose than the legitimate business of the association in securing the objects of its corporation.

Sec. 3. Upon becoming a corporation, as hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a corporation, according to the provisions of chapter fifty-five of the revised statutes of this State, [Chap. 73, compiled laws,] so far as such provisions shall be applicable in such case, and not inconsistent with the provisions of this act.

RULES FOR TOWNSHIP LIBRARIES.

The following rules are prescribed under section (2174) page 708, compiled laws; which requires the Superintendent of Public Instruction to annex to the school laws, such rules as he may think proper, for the government of such libraries:

1. The township librarian shall properly label and number each book in the township library, and keep a catalogue of the same, showing the title and number of each book.

2. The times for drawing and returning books by the district directors shall be on the first Saturday of January, April, July and October, between the hours of 10 o'clock A. M., and 3 o'clock P. M. or at other times, in the discretion of the librarian. The librarian shall charge directors with the books drawn by their *numbers*, and credit or cancel the same when returned.

3. Any resident of a district may draw books from the director, on each Friday from 3 o'clock till 5 o'clock P. M., but any person under fourteen years of age must present a written request from his parent or guardian.

4. No person shall be entitled to more than one volume at a time unless they are of the same work; and no family shall draw more than one volume while other families wishing books are unsupplied.

5. No person shall loan a library book to any one out of his own house under a penalty of twenty-five cents for each offence; and no person shall retain a book more than two weeks, under a penalty of five cents for each day beyond that time; nor shall any person draw a book while unlawfully detaining a volume from the library, or while any fine against him remains unpaid.

6. Any person losing or destroying a library book shall pay the cost of such book, and a penalty equal to twenty-five per

cent. of said cost; and any person unnecessarily injuring a book shall pay the full damage thereto, the same to be determined by the director.

7. In townships where the inspectors shall have suspended section 115 of the school laws, the township librarian shall loan the books to the residents of the township, under the same rules as above given for the directors to loan to the districts.

8. All moneys received for fines or penalties by the directors shall be paid over to the township librarian, who shall pay the same, together with all other moneys he shall receive of similar character, into the township library fund.

9. The township librarian shall, on the first of September in each year, make a written report to the inspectors, setting forth the number of volumes in the library, and their condition. The report shall state what books have been added to the library during the year, and what lost, if any; and what amount of fines have been imposed and collected; the number of volumes that have been drawn, and whether by directors or under suspension of section 115; together with such other particulars as the inspectors shall direct; which report the inspectors shall place on file, and forward a duplicate thereof to the Superintendent of Public Instruction.

RULES FOR DISTRICT LIBRARIES.

1. The library shall be open for drawing and returning books every Friday P. M., from three o'clock till five o'clock.

2 Every person residing in the district shall be entitled to draw books from the library; but no one under fourteen years of age shall be permitted to get books without a written request from his parent or guardian.

3. No person shall be entitled to two books from the Library at the same time, unless they be different volumes of the same work; and no family shall draw more than one book while other families wishing books, shall remain unsupplied.

4. No person shall loan a library book to any one out of his own house, under a penalty of — cents for each offence.

5. No person shall retain a book from the library more than two weeks, under a penalty of — cents for each day he shall so retain it; and no one may draw the same book a second time while any other person wishes to draw it.

6. Any person losing or destroying a library book, shall pay the cost of such book, and a fine of twenty-five cents; and any person injuring a book by marking, tearing, or unnecessarily soiling it, shall be liable to a fine of not less than — cents nor more than one and a half times the cost of the book, to be determined by the librarian and director.

7. No person shall be entitled to draw books while unlawfully detaining a book from the library, or while any fine against him remains unpaid.

8. The librarian shall report to the district board quarterly, the amount of fines assessed and collected, and all moneys accruing from this source shall be expended for the purchase or repair of books.

9. The librarian shall report annually, before the first Monday in September to the district board, who shall report the same to the annual meeting, the number, titles and condition of the books in the library, and the number drawn during the year.

FORMS FOR PROCEEDINGS UNDER THE SCHOOL LAW.

NO. I.

Form of Notice by the Clerk of the Board of Inspectors to a Taxable Inhabitant of a District at the time of its formation.

[See Sections 1, 2, 3, 4, 7 and 129.]

To A. B.:

SIR—The school inspectors of the township of _____ have formed a school district in said township, to be known as District No. _____, and bounded [here insert the description.]

The first meeting of said district will be held at _____, on the _____ day of _____, A. D. 18____, at _____ o'clock A. M., [or P. M.,] and you are instructed to notify every legal voter of said district of the same, at least five days previous to said meeting, either personally, or by leaving a written notice at his place of residence. You will endorse on this notice a return, showing each notification, with the date or dates thereof, and deliver the same to the chairman of said meeting.

Dated this _____ day of _____, A. D. 18____.

(Signed,)

C. D.,

Clerk of the Board of School Inspectors.

NO. II.

Form of Notice for First Meeting—when made in Writing, to be left at the house of a Legal Voter.

[See Sections 1, 2, 15 and 129.]

To C. B.:

SIR—School District No. _____, of the township of _____ having been formed by the inspectors, you, as a legal voter in

said district, are hereby notified that the first meeting thereof will be held at _____, on the _____ day of _____, A. D. 18____, at _____ o'clock in the _____ noon.

Dated this _____ day of _____, 18____.

(Signed,)

A. B.,

The person appointed to give Notice.

Remark. If the district is in more than one township the description will be varied accordingly.

NO. III.

Form of Endorsement upon the Notice—Form No. 1—by “Tenable Inhabitant.”

[See Sections 3 and 16.]

I, A—— B——, hereby return the within (or annexed) notice and have notified the qualified voters of the district, as follows:

NAMES.	DATE.	HOW NOTIFIED.
A—— B——,	January 1, 1864,	Personally.
C—— D——,	“ “	Written notice.

Dated at _____, this _____ day of _____, 18____.

(Signed,)

A. B.

NO. IV.

Form of Acceptance of office by District Officers, to be filed with the Director.

[See Sections 5, 130 and 149.]

I do hereby accept the office of _____
in School District No. _____ of the township of _____

Dated this _____ day of _____, 18____.

(Signed,)

A. B.

NO. V.

Form of Notice of Annual Meetings.

[See Sections 11, 18, 50 and 130.]

NOTICE.—The annual meeting of School District No. , of the township of , for the election of school district officers , and for the transaction of such other business as may lawfully come before it, will be held at , on Monday, the day of September, A. D. 18 , at o'clock in the noon.

Dated this day of August, 18 .

(Signed,) , Director.

NO. VI. :

Form of Request to be made by five Legal Voters of a District to the District Board for the calling of a Special Meeting.

[See Section 12.]

To the District Board of School District No. , [or to A. B., &c., one of the district board:]

The undersigned, legal voters of School District No. , of the township of , request you, in pursuance of section 12, of the primary school law, to call a special meeting of said district, for the purpose of

Dated this day of , A. D. 18 .

(Signed,) _____

NO. VII.

Form of Notice of Special Meetings.

[See Sections 12, 13 and 50.]

NOTICE.—A special meeting of the legal voters of School District No. , in the township of , called on the written

request of five legal voters, [or called by the district board, as the case may be,] will be held at [the district school-house,] on the day of , 18 , at o'clock [P. M.,] for the purpose of [here insert every object that is to be brought before the meeting.]

(Signed,)

A. B., *Director.*

NO. VIII.

Form of Rate-bill and Warrant.

[See Sections 29, 32, 33, 34, 35, 45, 46 and 58.]

Rate-bill of each person liable for teachers' wages in District No. , in the township of , for the term ending on the day of , A. D. 18 , and the amount for which each person not exempted from the payment thereof is so liable, with the fees of the assessor thereon.

Names of inhabitants sending to School.	Whole No. of days sent.	Amount of School bill.	Assess'r's fees thereon.	Amount for fuel.	Whole amt to be raised.
James Emerson,	104	\$1 04	\$0 05	*	\$1 09
John L. Barney,	416	4 16	0 21	\$1 25	5 68
William Jones, ..	313	3 13	0 16	*	3 29
Peter Parley, ...	54	0 54	0 03	*	0 57
S. C. Goodrich, ..	104	1 04	0 05	0 50	1 62
M. Barney,	104	1 04	0 05	*	1 09
F. Sawyer,	416	4 16	0 21	*	4 37
	1511	\$15 11	\$0 76	\$1 75	\$17 71

To the Assessor of School District No. , in the Township of :

You are hereby commanded to collect from each of the persons in the annexed rate bill named, the several sums set opposite their respective names in the last column thereof, and within sixty days after receiving this warrant, to pay over the amount so collected by you, (retaining five per cent. for your fees,) on the order of the director of said district, countersigned by the moderator; and in case any person therein named

*In the preceding rate bill those persons who are not rated for fuel, furnished the same according to the provisions of section 40. Those who did not furnish their proportion of fuel, are charged for fuel in the rate bill according to the provisions of the same section, and five per cent. for collecting the same. (Section 45.)

shall neglect or refuse, on demand, to pay the amount set opposite his name as aforesaid, you are to collect the same by distress and sale of the goods and chattels of such persons wherever found, within the county or counties in which said district is situated, having first published said sale at least ten days, by posting up notices thereof in three public places in the township where such property shall be sold.

At the expiration of this warrant, you will make a return thereof in writing, with the rate bill attached, to the director, stating the amount collected on said rate bill, the amount uncollected, and the names of persons from whom collections have not been made.

Given under our hands this day of , in the year of our Lord, one thousand eight hundred and

A. B., *Director*,

C. D., *Moderator*.

Remark. In case it becomes necessary to enforce a collection, the assessor should post the following notice in three public places in the township, at least ten days previous to sale:

Form of Notice of Assessor's Sale.

[See sections 33, 34 and 46.]

Notice is hereby given, that by virtue of the warrant annexed to a rate bill for School District No. , of the township of , bearing date the day of , 18 , I have levied on the goods and chattels of , and shall expose the same for sale at public auction, at the house of , in the said School District, (or wherever the property may be,) in the township of , and county of , on the day of , 18 , at the hour of o'clock M.

Given under my hand at , this day of , 18 .

E. O. B.

Assessor of said District.

Remark. The following is a proper form for Assessor's return to accompany the rate bill and warrant:

Assessor's Return of Warrant.

I, _____, Assessor of School District No. _____, township of _____, do hereby make this, my return of the annexed warrant, with rate bill attached, and certify the amount collected on said rate bill to be the sum of _____ dollars and _____ cents; the amount uncollected, _____ dollars and _____ cents; and that the following are the names of persons from whom collections have not been made, and the amounts which are uncollected from each person:

NAMES.	Dollars.	Cents.

Dated this _____ day of _____, A. D. 18 ____.
(Signed,)

A. B., Assessor.

NO. IX.

Form of Contract between District Board and Teacher.

[See Sections 39, 43, 60 and 85.]

It is hereby contracted and agreed between _____ of District No. _____, in the township of _____, county of _____, and State of Michigan, and _____, a legally qualified teacher in said township, that the said _____ shall teach the primary school of said district for the term of _____ weeks, commencing on the _____ day of _____, A. D. 18 ____; and the said _____ agrees faithfully to keep the list and record required by law, (section 43,) and to observe and enforce the rules and regulations established by the district board.

The said _____, in behalf of said district, agrees to keep the school-house in good repair, and to provide the

necessary fuel, and to pay said _____ for the said services as teacher, to be faithfully and truly rendered and performed, the sum of _____ dollars, the same being the amount of wages above agreed upon, to be paid on or before the _____ day of _____, 18 .

Provided, that in case said _____ shall be dismissed from school, by the district board, for gross immorality or violation of this contract, or shall have _____ certificate annulled by the school inspectors, _____ shall not be entitled to any compensation from and after such annulment or dismissal.

In witness whereof, we have hereunto subscribed our names this _____ day of _____, A. D. 18 .

_____,
_____, *Teacher.*

Approved by

Remark. A teacher's contract must have a revenue stamp of five cents attached.

NO. X.

Form of Endorsement for the Extension of Warrant.

[See Section 47.]

We do hereby extend the time for the collection of the annexed rate-bill, thirty days, [any shorter period may be specified,] beyond the time named in the annexed [within] warrant.

Dated this _____ day of _____, 18 .

— *A. B., Director,*
C. D., Moderator.

NO. XI.

Form of Order upon Assessor for Moneys to be disbursed by him for the School District.

[See Sections 29 and 53.]

Assessor of School District No. , Township of :

Pay to the order of , the sum of dollars, out of any moneys in your hands belonging to the fund for [here insert name of fund, as teachers' wages, building, library, &c.]

Dated this day of , A. D. 18 .

A. B., *Director.*

[Countersigned:]

C. D., *Moderator.*

NO. XII.

Form of Warrant upon Township Treasurer for Moneys belonging to School Districts.

[See Sections 29, 53 and 109.]

Treasurer of the Township of :

Pay to , assessor of School District No. , in said township, the sum of dollars out of [here insert the particular fund,] in your hands, belonging to said district.

Dated at , this day of , 18 .

A. B., *Director*

[Countersigned:]

C. D., *Moderator.*

NO. XIII.

Form of Report by the District Board to the Supervisor.

[See Sections 56, 57, 58, 106 and 108.]

Supervisor of the Township of :

The undersigned, district board for School District No. , in said township, do hereby certify that the following taxes have been voted in said district, during the school year last closed, viz:

[Here specify the amount of each tax voted, and the purpose to which it is appropriated: Also, the amount of taxes imposed by the district board, and give the sum total of the whole,] which you will assess upon the taxable property of said district, as the law directs.

Dated at _____, this _____ day of _____ A. D. 18 ____.

A. B., *Moderator*,
C. D., *Director*,
E. F., *Assessor*.

Remark. If a tax is voted after the close of the school year, in time to be reported to the supervisor for assessment, the form will be varied accordingly.

NO. XIV.

Form of Assessor's Bond.

[See sections 61 and 62.]

Know all men by these presents, That we, A. B., the Assessor, of School District No. , in the township of , C. D. and E. F., [his sureties,] are held and firmly bound unto the said district, in the sum of [here insert a sum of double the amount to come into the assessor's hands,] to be paid to the said district; for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such, that if A. B., Assessor of said district, shall faithfully apply all moneys that shall come into his hands, by virtue of his office, then this obligation shall be void; otherwise of full force and virtue.

Sealed with our seals and dated this day
of A. D. 18 .

A. B., [L. S.]
C. D., [L. S.]
E. F., [L. S.]

Signed, sealed and delivered in }
presence of }

Remark. This bond should be endorsed as follows:

"We approve the within bond."

(Signed.)

G. H., *Moderator*,

I. K., *Director*.

Remark. The assessor's bond requires a revenue stamp of fifty cents.

No. XV.

Form of Bond to be Given by the Chairman of the Board of School Inspectors.

[See sections 68, 69 and 70.]

Know all men by these presents, that we, A. B., the chairman of the Board of School Inspectors of the township of _____, and C. D. and E. F., [his sureties,] are held and firmly bound unto the said township, in the sum of, [here insert the sum of double the amount to come into said chairman's hands, as nearly as the same can be ascertained,] for the payment of which sum well and truly to be made to the said township, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if A. B., chairman of the Board of School Inspectors, shall faithfully appropriate all moneys that may come into his hands by virtue of his office, then this obligation shall be void, otherwise of full force and virtue.

Sealed with our seals and dated this _____ day of _____, A. D., 18 _____.

A. B., [L. s.]

C. D., [L. s.]

E. F., [L. s.]

Signed, sealed and delivered in }
presence of }

"I approve the within bond."

(Signed.)

G. H., *Township Clerk*.

Remark. This bond should be given before any moneys come into his hands, and should be endorsed as above, by the township clerk. It also requires a revenue stamp of fifty cents.

No. XVI.

Form of Appointment of District Officers by District Board.

[See section 66.]

The undersigned, members of the District Board of School District No. , in the township of , do hereby appoint A. B., *Director* of said district, to fill the vacancy created by the removal, [resignation or death, as the case may be,] of C. D., the late incumbent.

Dated this day of , A. D., 18 .

E. F., *Moderator,*

G. H., *Assessor.*

Remark 1. The words in *italics* in the above form should be varied to suit the case.

Remark 2. The director should record any appointment that may be made, and persons appointed to office should file with the director a certificate of acceptance, according to the provisions of section 5. [See Form No. 4.]

NO XVII.

Form of Appointment of District Officers, by School Inspectors.

[See Section 146.]

The undersigned, school inspectors for the township of , do hereby appoint O. P., *assessor* [insert names of other appointees] of School District No. , in said township; the district having failed to elect.

Dated this day of , A. D. 18 .

A. B.,

C. D.,

E. F.,

School Inspectors.

NO. XVIII.

Form of Certificate to be given by School Inspectors to Qualified Teachers.

[See Sections 39, 85, 86, 87, 88, 89 and 90.]

IT IS HEREBY CERTIFIED that A—— B—— has passed a satisfactory examination before us in the following branches, viz:

<i>Othography,</i>	<i>Reading,</i>	<i>Writing</i>
<i>Grammar,</i>	<i>Geography,</i>	<i>Arithmetic,</i>

and is able to give instruction in the same. *He* has moreover been found of good moral character and of competent ability to teach a school, and we have therefore licensed *him* to teach in the schools of this township of _____, in the county of _____, for the term of [here insert the time,] from the date hereof.

Given under our hands this _____ day of _____, A. D. 18 _____

C. D., } *School Inspectors of*
 E. F., } *the Township of _____,*
 G. H., } *Co. of _____, Mich.*

Remark. A teacher's certificate must have a revenue stamp of five cents attached.

NO. XIX.

Form of Notice of Meeting of Inspectors for Examination of School Teachers.

[See Section 86.]

Notice is hereby given, that for the purpose of making an examination of all persons who may offer themselves as candidates for teachers of the primary schools of this township, the board of school inspectors thereof will meet [here insert the time and place of meeting.]

Dated this _____ day of _____, 18 _____

A. B., *Township Clerk.*

Remark 1. Whenever the inspectors deem it necessary to reexamine any teacher, they shall serve the following notice upon him, according to the provisions of section 90:

Form of Notice of Re-examination.

To A. B.:

SIR—You are hereby notified that the undersigned, school inspectors for the township of _____, will hold a meeting at _____ on the _____ day of _____, at _____ o'clock _____ M. You will please appear before them at the time and place aforesaid, for reëxamination. It is our purpose to annul your certificate if you are found deficient in the qualifications requisite for a primary school teacher.

~~§~~ This notice should be dated and signed in the same manner as the above Certificate.

Remark 2. In case it be found necessary to annul the teacher's certificate, it shall be sufficient for that purpose for the clerk of the board of school inspectors to make the usual record of their proceedings: *Provided*, The teacher appears before them and gives up his certificate, which it is his duty to do. Otherwise, in addition to said record, the inspectors shall cause the following notice to be posted up in three public places in the township, or to be inserted in a newspaper of the township, if there be one:

"The undersigned, school inspectors for the township of _____, having this day reëxamined A. B., a primary school teacher in said township, and regarding him incompetent to discharge the duties of his office, we hereby give notice that his certificate is annulled according to the provisions of law."

~~§~~ This notice should be dated and signed in the same manner as the preceding one.

NO. XX.

Form of Certificate to be given to the Director of a School District by the Board of School Inspectors when they establish the Site.

[See Sections 19 and 20.]

The inhabitants of District No. _____, in the township of _____, having failed, at a legal meeting, to establish a site for a school-house, the board of school inspectors hereby certify, that they

have determined that the said site shall be as follows: [Describe as in the deed.]

Given under our hands this day of , A. D. 18 .

A. B.,

C. D.,

E. F.,

School Inspectors.

NO. XXI.

Form of a Deed.

[See Section 59.]

Know all men by these presents, That A. B. and C. D., his wife, of the township of , in the county of , and State of Michigan, party of the first part, for and in consideration of the sum of dollars, to them paid by the district board of School District No. , of the township, county and State aforesaid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to School District No. , the party of the second part, and their assigns forever, the following described parcel of land, namely:

[Here insert description.]

Together with all the privileges and appurtenances therunto belonging, to have and to hold the same to the said party of the second part, and their assigns, forever. And the said party of the first part, for themselves, their heirs, executors and administrators, do covenant, grant, bargain and agree, to and with the said party of the second part, and their assigns, that at the time of the ensealing and delivery of these presents, they were well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple, and that the said lands and premises are free from all encumbrances whatever; and that the above bargained premises, in the quiet and peaceable possession of the

said party of second part, and their assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, they will forever warrant and defend.

In witness whereof, the said A. B. and C. D., his wife, party of the first part, have hereunto set their hands and seals, this day of , A. D. 18 .

A. B., [SEAL.]

C. D., [SEAL.]

Signed, sealed and delivered in }
presence of H. I.,
J. K. }

Remark 1. In order to protect the district in its title to a site, the deed thereof must be recorded in the register's office.

Remark 2. If the land conveyed is less than \$100 in value no revenue stamp is required. If valued at more than \$100, the deed will require a stamp, as follows:

Exceeding...	\$ 100,	and not exceeding...	\$ 500,	50 cts.
"	500	"	"	1,000	\$1 00
"	1,000	"	"	2,500	2 00
"	2,500	"	"	5,000	5 00
"	5,000	"	"	10,000	10 00

NOTE—It will readily be seen how the preceding form should be varied, in case the person giving a deed is unmarried.

NO. XXII.

Form of a Lease.

[See Section 59.]

Know all men by these presents, that A. B., of the township of , in the county of , and State of Michigan, of the first part, for the consideration herein mentioned, does hereby lease unto School District No. , in the township, county and State aforesaid, party of the second part, and their assigns, the following parcel of land, to-wit: [here insert description;] with

all the privileges and appurtenances thereunto belonging; to have and to hold the same for and during the term of years from the day of , A. D. 18 . And the said party of the second part, for themselves and their assigns, do covenant and agree to pay the said party of the first part, for the said premises, the annual rent of dollars.

In testimony whereof, the said parties have hereunto set their hands and seals, this day of , A. D. 18 .

A. B., [SEAL]
Lessor.

C. D., }
E. F., } [SEAL]
G. H. }

District Board of School District No. , of the aforesaid township.

Signed and sealed in the presence }
of I. J., }
 K. L. }

Remark 1. A lease, like a deed, must be recorded in the register's office, in order to protect the district in its title to a site.

Remark 2. A lease for a time not exceeding three years, requires a revenue stamp of fifty cents; and exceeding three years, one dollar. A perpetual lease requires the same stamp as a deed.

~~See~~ The lessor will probably want a copy of the lease. If so, a duplicate should be made and signed as above, and placed on file with the director, to be delivered with other papers of his office to his successor.

NO. XXIII.

Form of Warrant on the Township Treasurer for Library Moneys.

[See Sections 107, 109 and 116.]

To the Treasurer of the Township of , County of , Mich.:

Pay to the order of , the sum of dollars, from any library moneys now in your hands, or to come into your

hands, the same being for library books purchased for the library of said township.

Dated at , this day of , 18 .

A. B.,

C. D.,

E. F.,

Township Board of School Inspectors.

Remark. In case of a township having district libraries, the library moneys are payable to the districts, and on the order of the district officers. (See form XII.)

NO. XXIV.

Form of Annual Report of the Director to the School Inspectors.

[See Sections 41, 64 and 180.]

ANNUAL REPORT of School District No....., of the Township of....., County of....., to the School Inspectors, for the year 18....

1	No. of Children in the district between the ages of five and twenty years.	2	Whole No. of Children that attended School during the year.	3	No. of Children under five or over twenty years of age that attended school.	4	Average No. of scholars between 5 and 20 yrs. attending school during the year.	5	No. of months a school was taught during the year by qualified teacher.	6	No. of Volumes added to Library during the year.	7	No. of Volumes in the District Library.	8	Value of School houses and Lots.	9	In the School a Graded School - commonly called a Union School.
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UNDER THE SCHOOL LAW.

Director for ensuing year.....: Post Office.....

Dated September....., 18.....

(Signed,) Director.

FINANCIAL REPORT FOR THE YEAR ENDING SEPTEMBERth, 18....

RECEIPTS.		EXPENDITURES.	
	Dollars.		Dollars.
Moneys on hand at commencement of year,.....		Paid Male Teachers,.....	Cents.
Received from two-mill tax during the school year 18,.....		Paid Female Teachers,.....	
Received from Primary School Fund,.....		Paid for building or repairing School-house,.....	
Collected on Rate-bills,.....		Paid for Library Books,.....	
Tuition of Non-resident Pupils,.....		Paid for all other purposes,.....	
Raised by tax voted by district to pay Teachers' wages,....		Amount on hand Sept.th, 18.....	
Raised by other district taxes,.....			
Received for Library Money,.....			
Received from all other sources,.....			
Total receipts, including moneys on hand,.....		Total expenditures, including amount on hand,.....	
Indebtedness of District for all purposes, Sept.th, 18.....			

Director for ensuing year.....: Post Office,.....

I hereby certify that the above is a correct report from the aforesaid District No., for the School Year next preceding the first Monday of September, 18.....

Dated September, 18.....

(Signed,)Director.

NO. XXV.

Form of Inspectors' Report.

[See Sections 79, 131, 132 and 133.]

ANNUAL REPORT of the School Inspectors of the Township of....., County of....., to the County Clerk for the year 18....

	1	2	3	4	5	6	7	8	9	10	11
No. of each District in the township.											
	Whole Fractional Districts. Districts.										
Names of Directors for the ensuing year.											
Post Office of Directors.											
No. of Children in each district between the ages of five and twenty years.											
Whole No. of Children that attended school during the year.											
No. of Children under five or over twenty years of age that attended school.											
Average No. of months scholars between 5 and 20 years attended school during the year.											
No. of months a school was taught during the year by qualified teachers.											
No. of Volumes added to the Library during the year.											
No. of Volumes in the District Library.											
Value of School-Houses and Lots.	Dollars. Cents.										
Is the School a graded School commonly called a Union School?											
No. of Qualified Teachers Employed.	Males. Females.										
Aggregate Number of Months Taught by Qualified Teachers.	Males. Females.										

NO. XXV.—CONTINUED.

[Inspectors are respectfully requested, in connection with form 25, in addition to the statistics furnished by the Directors' Reports, to fill the fifteen following blanks, the data for which are in their own hands:]

1. No. of Volumes in Town Library,.....	
2. No. of Volumes added to Town Library during the year,.....	
3. No. of Teachers examined the past year,.....	
4. No. of Certificates granted,.....	
5. Whole number of meetings held by Inspectors,.....	
6. Have all the Schools been visited the past year?.....	
7. Total No. of visits made to the Schools,.....	
8. No. of Private or Select Schools in Township,.....	
9. No. of Scholars in such Schools, as nearly as may be known,.....	
10. Amount of Two-mill Tax raised in the Township,.....	\$
11. Amount voted at the Spring Election for Libraries,.....	
12. Amount of Fines, Penalties, &c., received from County Treasurer for Libraries,.....	
13. Amount paid for books for Township Libraries,.....	
14. Amount paid or due for visiting Schools,.....	
15. Amount paid or due the Board of Inspectors for services for the School year,...	

TEXT BOOKS PRESCRIBED BY THE DISTRICT BOARDS.

N. B.—Give the Titles of the Books, and the number of Schools in which each Book is adopted.

Spelling Books,.....	
Readers,.....	
Writing Books,.....	
Mental Arithmetics,.....	
Arithmetics,.....	
Book Keeping,.....	
Algebras,.....	
Geometries,.....	
Geographies,.....	
Grammars,.....	
Natural Philosophies,.....	
Chemistries,.....	
Physiologies,.....	

We do hereby certify, that the foregoing is a correct abstract of the Reports of the Directors of School Districts in this Township, for the School Year next preceding the first Monday of September, 18 , which reports are now on file in the office of the Township Clerk.

..... } School Inspectors, { P. O.
 } P. O.
, Town Clerk, P. O.
 Dated at, County of, October.....18..

JUDICIAL OPINIONS AND DECISIONS ON SCHOOL LAWS.

To aid school officers and others in the proper interpretations of the school laws, the following judicial opinions and decisions have been selected from the Law Reports of several States, and from the volume of legal decisions of the Superintendents of Public Instruction in New York, as applicable under our laws.

Only four cases arising under the school laws, seem to have been adjudicated by the Supreme Court of this State. The following will show the substance of these cases as far as at present applicable:

I.—DISSOLUTION OF DISTRICTS.

People *ex. rel.* Strong, *vs.* Davidson and others, school inspectors of the township of Greenfield.

Under the statute (session laws, 1840, page 215, Sec. 25,) empowering the school inspectors of any township "to divide the township into such number of districts, and to regulate and alter the boundaries of said school districts, as may from time to time be necessary, they may dissolve one organized district, and annex it to another."

MOTION for a MANDAMUS, commanding Davidson and others, school inspectors of the county of Wayne, to pay or cause to be paid to school district No. 12, in said township, such sum of money as the district may be entitled to by law, from the common school fund, and from the fund arising from the taxes of the township.

It appeared that November 22, 1842, the respondents divided district No. 4, in said township, into two districts, the new district being numbered 12—that on the first day of December following, the organization of the new district, under the sta-

tute was perfected; and that on the 13th of the same month the respondents made an order, dissolving the new district, and re-annexing it to district No. 4. The question involved in the case was, whether the respondents had power to make the last mentioned order.

B. F. H. Witherell, in support of the motion. Whipple J., delivered the opinion of the court.

The authority of the inspectors thus to dissolve district No. 12, and re-annex it to the old district from which it was severed, must depend upon the construction of the twenty-fifth section of the act entitled "an act to amend the revised statutes relative to primary schools," approved April 12, 1840. [Re-enacted by revised statutes of 1846, page 227. Sec. 71.] [Session laws of 1848, page 215.] By that section the inspectors are authorized "to divide the township into such number of districts, and to regulate and alter the boundaries of said school districts, as may from time to time be necessary."

It will be perceived that the number of districts in any township is to be determined from the language of the section, which confers authority to *divide* the township from time to time into such number of districts as may be necessary. If they may divide the township into twelve districts, why may they not divide it into ten by enlarging the boundaries of one or more of those in existence, or, which is the same thing, by annexing two or more, so as to constitute but one district, as may from time to time become necessary? The power could not perhaps be derived from the words "regulate and alter the boundaries," &c., but these words taken in connection with the authority to "divide" from time to time as may be [necessary, justified *legally* the order made by the inspectors. That order may have been unwise; it may have been an abuse of the discretion with which the inspectors are clothed; but such abuse of discretion cannot authorize the interference of this court. We think it clear that the authority to determine the number of districts in each township, ought to be lodged in some responsible body. Unless it is conferred upon the inspectors, the power does not exist; and as the words of the twenty-fifth section justify the construction we have given to it, we are bound to overrule the motion for a *mandamus*.

Motion denied.—2 *Douglas' Mich. Reports*, page 121.

II. — RATE BILL AND WARRANT.

Wall vs. Eastman: Where the moderator of a school district refused to sign a warrant to a rate bill for teacher's wages, and

a judgment was afterwards recovered by the teacher against the district for the amount due him, which was paid by a tax on the district, a tax payer who was assessed, and paid his part of the tax, cannot sustain an action against the moderator to recover what he has paid.

Case reserved from Jackson Circuit Court. Eastman sued Wall in a Justice's Court, in an action on the case, to recover eight dollars tax which he, as a resident of a school district, had been compelled to pay, by reason of Wall's refusal, as moderator of the district, to sign a warrant to the rate bill for teacher's wages. The substance of the declaration which was demurred to, is stated in the opinion of the Court. The Justice rendered judgment for Eastman. Wall appealed to the county court, which also gave judgment against him, when he carried the case to the Circuit Court by certiorari.

By the Court: Green, J.—The question reserved in this case is, whether the declaration contains a cause of action, in favor of the plaintiff below, against the defendant below. The declaration sets forth in substance, that in February, 1847, Wall, the defendant below, was director of a school district in Sandstone, Jackson county; that a teacher was hired, who taught the school in that district, and made out a rate bill for wages due him, and requested Wall to issue his warrant as director, for the collection thereof, which Wall refused to do; and that thereupon, the teacher sued the district, and recovered a judgment for the wages so due him—the amount of which judgment was levied upon the taxable property within the district, and collected—that the plaintiff below was a resident of the district, and owned taxable property therein, and that by reason of the premises he was compelled to pay a portion of said judgment, to wit: the sum of eight dollars thereof, which sum he claims to recover of the defendant below. To this declaration the defendant below demurred, and assigned several special cases of demurrer, all of which, however, embraced but one proposition in substance, namely, that the declaration does not contain a cause of action.

The counsel for the plaintiff below, referred to 5th John. R. 175, and 15 id. 250, and these are the only adjudged cases cited on either side. The question involved in the case in 5 John. R. referred to, was whether the imposition of a penalty for official misconduct, or neglect of duty, took away the right of action for damages. The law relating to primary schools and the

duties and liabilities of school district officers in force when the cause of action in this case, if any, arose, was the act of 1843, Session Laws, 1843, page 88. By the 71st section of that act a penalty of ten dollars was imposed upon every person, who having been elected to the office of moderator, director or assessor, of a school district, and having entered upon the duties of his office, should neglect or refuse to perform any duty required of him by virtue of his office. Section 77 provides that in all cases not otherwise provided for in that act, in which a duty shall be enjoined upon any person, officer, or board of officers, such person, officer or board, as the case may be, shall be liable to any party aggrieved, in the full amount of all damages sustained by the wilful neglect, or unfaithful performance of such duty. This last provision introduces no new principle, but is in affirmance of the common law, and seems to have been incorporated into the statute by the Legislature, for the purpose of precluding any conclusion to the contrary, which might otherwise be supposed to arise from other provisions of the statute.

* * * * *

By the second subdivision of section 21 of the act before referred to, it is made the duty of the director, by and with the advice and consent of the moderator or assessor, to contract with and hire qualified teachers *for the district*: which contract is required to be in writing, and to specify the wages per week or month, as agreed by the parties. To this contract the district, in its corporate capacity, is a necessary party, and in that capacity it is bound to perform it; and in case of a failure to do so, is liable in damages to the teacher for its non-performance. The district, in its corporate capacity receives the moneys apportioned to it from the primary school fund, or derived from other sources for the payment of teachers; and if more is required for that purpose, it is to be collected from those sending children to the school, in proportion to the number of scholars, and the time they attend. For this purpose the teacher is to note the daily attendance of each scholar, and make return of the same to the director. The director is then to ascertain the amount due from each person sending children to school, and to make out a rate bill, and annex thereto a warrant for the collection thereof, to be signed by him and the moderator. This warrant is to be directed to the district assessor, who is required to collect all rate bills of the district made and delivered to him, in accordance with the seventh subdivision of section 21, of the act aforesaid, in obedience to the command of the warrants annexed to such rate bills, and to make a written return of the same to the director. When such moneys have been collected by the assessor, they are school

moneys belonging to the district, and the assessor and his sureties are liable therefor, if not applied by him according to law, upon the bond which he is required to give to the district; and they are to be drawn by an order of the moderator upon the assessor, as moneys to be disbursed by the district, according to section 19 of the act aforesaid. If the moneys so required to be collected had been lost to the district by reason of the defalcation of the assessor, after they came into his hands, there can be no question but that the district, in its corporate capacity, might have recovered the amount in an action upon the assessor's bond; and it is equally clear that the members of the corporation could not in such a case, have sustained actions in their individual names, for their respective portions of the loss. The converse of the last proposition would be a most palpable violation of that wise maxim, which declares that the law abhors a multiplicity of actions, and which forbids an individual to bring separate actions upon different items of the same account.

How does the case before us differ in principle from the one just supposed, of the loss sustained by the defalcation of the assessor? In that case, the loss would fall upon the district in the first instance, in its corporate capacity, and indirectly upon the owners of taxable property within the district. And so in this case. By reason of the refusal of the defendant below to issue his warrant for the collection of the rate bill, the district lost the amount which should have been collected from the individuals sending pupils to the district school for the payment of the teacher; and was obliged to collect by a tax upon the property within the district, the amount required—in consequence of which, the plaintiff below, being an inhabitant of the district, owning taxable property therein, was compelled to pay a tax of eight dollars, for the recovery of which, this suit was brought. If any right of action accrued, it was in favor of the corporation of which the plaintiff below was a member, and not to him individually. If the plaintiff below could sustain this action, every person who paid any portion of the judgment in favor of the teacher against the district, might also sustain a separate action for the amount paid by him; and upon the same principle, in case of the default of the county treasurer, every individual in the county who should be compelled to pay a tax to make good the fund lost, might also maintain a separate action against the treasurer for the amount paid by him. No such principle, it is believed, has ever been sanctioned or recognized by any judicial tribunal whose decisions have been reported in the books. The result to which the foregoing conclusions lead does not deprive the plaintiff below of a full and adequate remedy for the injury he com-

plaints of. If the defendant below has made himself liable by the omission of official duty, charged in the declaration in this case, a recovery against him by the district will not only make the plaintiff below good, but all the members of the district who suffered a like injury from the same cause. As the injury to the plaintiff below was indirect, and sustained by him in common with the other members of the corporation, as such, so must be his remedy.—1 *Michigan Reports*, page 299.

III.—COMPENSATION OF DISTRICT OFFICERS.

Minman vs. school district No. 1. of Battle Creek, Emmett and Bedford.

This was an action of assumpsit originally brought by the plaintiff before a justice of the peace to recover compensation for services rendered by him officially for said school district, as director thereof. After trial and judgment before the justice, the cause was brought by appeal into the circuit court of the county of Calhoun, and again tried before the court without a jury. The case on being submitted was reserved by the judge for the opinion of the supreme court on the following legal question, viz: Is a director of a school district legally entitled to compensation for his official services?

Pratt, P. J. delivered the opinion of the court, that as no compensation for the official services of the district officers has been provided, or in any manner authorized by statute, none can be legally claimed or recovered. The opinion went further to state that as a district could impose no tax except for the purposes provided by law, and as there was no statute authorizing a tax for this purpose, none could be levied for the compensation of district officers.—4 *Mich. Reports* p. 168.

Remark.—Since the decision of the foregoing the law has been amended to authorize the imposition of a tax for the payment of district officers, and so the decision ceases to have any force except to forbid district officers from recovering any compensation unless the same shall be agreed upon by the district.

III.—LIBRARY MONEYS FROM FINES, &c.

The People *ex. rel.* the Board of Education of Detroit *vs.* the Treasurer of Wayne county.

Motion for mandamus to compel the treasurer of Wayne county to pay over the library moneys from fines, &c.

Campbell, J., delivered the opinion of the court, the other justices concurring, as follows:

A mandamus is applied for, to compel the respondent to pay over to the Board of Education their share of moneys in his hands, received from fines and recognizances. The question submitted is, whether the amounts paid in to him from those sources are liable to any deductions for expenses, either attending the collection of the particular sums paid in, or embracing the general criminal business of the county.

The present Constitution, Art. 13, Sec. 12, declares that "the Legislature shall provide for the establishment of at least one library in each township; and all fines assessed and collected in the several counties and townships for any breach of the penal laws, *shall be exclusively applied to the support of such libraries.*"

So far as fines are concerned, this language is too plain to be open to construction. No deduction for expenses or otherwise, can lawfully be made from such fines. The whole amount collected belongs to the library fund, and no portion can be applied elsewhere.

The other moneys appropriated for that purpose are so given, not by virtue of any constitutional provision, but under a statute, which reads as follows: "The clear proceeds of all fines for any breach of the penal laws of this State, and for penalties, or upon any recognizances in criminal proceedings, and all equivalents for exemption for military duty, when collected in the county," etc., shall be apportioned among the several townships by the county treasurer. This apportionment is required to be made between the first and tenth days of April, according to the number of children within the school ages, as appearing by the statements on file in his office.—*Comp. laws*, p. 752.

Except as to fines, which are now regulated by the constitution which was adopted subsequently to this act, the disposition of these funds is under the control of the Legislature; and it must depend entirely upon their action whether all or only a portion of these moneys shall be given to the town libraries. We must therefore look at the whole legislation upon the subject to ascertain the design of the act in question.

Chapter 155 of the compiled laws provides for the collection of penalties and forfeitures, and requires "all sums of money collected on account of any penalty or forfeiture" to be paid over to the county treasurer:—*Comp. laws*, sections 5126, 5127, 5134, 5135, 5143, 5150. The costs and fees are allowable as in civil cases upon the proceedings to collect, and are separate from the penalty:—Sections 5136, 5140. On indictments the costs are expressly given to the use, not of libraries, but to the

county:—Section 5688. The whole amount collected upon the penalty itself is plainly required to be paid over to the county treasurer by these sections. The taxable costs cannot be deducted from the amount forfeited, but should be kept separate; and, if paid into the library fund by mistake may be corrected.

By section 5151, it is declared that "every county treasurer shall keep an accurate account of all moneys paid to him on account of fines, penalties, forfeitures and recognizances, separate and distinct from all other accounts, and shall credit the same to the library fund," etc. And, by section 5152, it is directed that "all the moneys belonging to such library fund shall be apportioned by the treasurer at the times, etc., and shall be paid over etc., according to such apportionment."

The moneys belonging to this fund must necessarily include all that has been legally paid into it, subject to such deductions, after it has been paid in, as the laws authorize or require. Without questioning the right of the Legislature to make such deductions as they deem expedient, except from fines, it is very clear that until they see fit to make such deductions,—inasmuch as no money can be drawn from the treasury without some legal authority—the fund must remain inviolate. No provision of law has yet been enacted allowing or requiring any money to be deducted from this fund. The criminal expenses are not a charge upon it. The clear proceeds, therefore, as the laws now stand, include all sums paid into the treasury from the sources mentioned.

It is unnecessary to consider the collateral questions argued. We are of opinion that the treasurer is bound to include in his apportionment, and to pay over to the several local officers, all moneys which are paid into his office on account of fines, penalties, forfeitures and recognizances. A *mandamus* should therefore issue as prayed. We do not, however, regard this as a proper case for costs.

DECISIONS OF SUPREME COURTS IN OTHER STATES.

INSURANCE OF SCHOOL-HOUSES.

The power to insure the school-house is vested in the district and not in the district board.—5 *R. I. Reports*, page 603.

SUITS AGAINST A DISTRICT OFFICER.

The district board have no authority, without an express vote of the district, to employ counsel to defend a suit against one of its officers.—30 *Vt. Reports*, page 155.

PROPERTY OMITTED IN TAXING.

The omission to tax some property in the district, through inadvertence, will not vitiate the tax.—22 *Ill. Reports*, page 303.

PROOF OF EXISTENCE OF DISTRICT.

Proof that district officers are acting in discharge of the duties required by statute is sufficient *prima facie* evidence of the existence of the district.—4 *Ind. Reports*, page 516.

POWER TO INFLICT CORPORAL PUNISHMENT.

The law confides to school masters and teachers a discretionary power in the infliction of punishment upon their pupils, and will not hold them responsible criminally unless the punishment be such as to occasion permanent injury to the child, or be inflicted merely to gratify their own evil passions.—2 *Deveraux & Battle's N. C. Reports*, page 407.

In inflicting corporal punishment a teacher must exercise a reasonable judgment and discretion, and be governed as to the mode and severity of the punishment by the nature of the offense, the age, size and apparent powers of endurance of the pupil, and when prosecuted therefor, it is for the jury to say whether the punishment was excessive.—4 *Gray's Mass. Reports*, page 36.

UNQUALIFIED TEACHERS CANNOT COLLECT WAGES.

One who has kept a district school in pursuance of a contract with [a district board] but who has not produced a certificate of [the inspectors] required by law, cannot recover of the district any compensation for his services.

A judgment recovered against the district for such compensation, by consent of the district, will be restrained by injunction, at the suit of any person interested as a tax payer within the district, suing in behalf of himself and others.

A school district has no authority to waive the provision of law requiring the school master to produce the certificate of [the inspectors,] or to dispense with the certificate.—*N. H. Reports*, page 170.

Under the statute of Illinois, which provides that "no teacher shall be entitled to any portion of the common school or township fund who shall not before his employment, exhibit to the school directors of the district a certificate of qualification obtained under the provisions" of the statute, it was held that in an action by the teacher to recover compensation the declaration must contain an averment that such a certificate was presented prior to the commencement of the school, or the action will fail.—16 *Ill. Reports*, page 147.

Remark.—Under our statute no public moneys can be paid to a teacher who shall not have received a certificate before commencing his school. Section 60. By the above decision, a teacher cannot collect his wages of the district without a full

and strict compliance with the statute. He must not only have a certificate before commencing, but if such certificate is annulled or expires before the close of the term, he cannot collect without getting it renewed.

EXPULSION OF PUPILS.

The parent of a child expelled from the public school cannot maintain an action against the school board by whose orders it was done. If, while acting in good faith, they err in the discharge of their duty they are not liable.—38 *Maine Reports*, 379.

The [school board] have power, in order to maintain the purity and discipline of the public schools, to exclude therefrom a child whom they deem to be of licentious and immoral character, although such character is not manifested by any acts of licentiousness or immorality within the school.—8 *Cushing's Mass. Reports*, page 160.

In this last case several points of great interest and importance were pronounced upon by the court. It was argued by the counsel of the plaintiff, who sued for damages on being expelled from school; that every child of the legal school ages had a right to go to the public school; that this right is absolute, and that if the pupil is guilty of gross acts of misconduct out of school, provided there is no violation of the rules of the school, and no misconduct in the school, such pupil cannot be rightfully excluded.

On this the court reply it would be strange if in the establishment of such a great public institution as that of the public schools, there were no power vested anywhere, sufficient to protect the schools from the noxious influence of any one, whose presence and influence would be injurious to the whole, and subversive of the purposes manifestly contemplated by their establishment. The court are of opinion the power is vested in the school board, or the master, with their approbation and direction, to exclude a pupil, though within the legal school ages, for good and sufficient cause, and that notorious immoral propensities, practices and habits do constitute sufficient cause.

It was held further that the right to the benefit of the schools is a common and not an exclusive personal right, and like other common rights, it must be exercised under such limitations and restrictions, that it shall not interfere with the equal and co-extensive rights of others.

To the argument that though good discipline may be maintained in school, yet the master and the school board have no right to look beyond the walls of the school, to take notice of the conduct of its pupils, the court reply, we cannot perceive the force of this distinction, pressed to the extent to which the

argument attempts to carry it. Truancy is a fault committed wholly beyond the precincts of the school; yet no example is more contaminating, no malconduct more subversive of discipline. May not an incorrigible truant be expelled, not as a punishment merely, but as a protection to others from injurious example and influence.

Note.—For other decisions, see note to section 129, page 104.

NEW YORK SUPERINTENDENTS' DECISIONS.

Under the statutes in New York State, appeals of school officers and districts are made to the State Superintendent, and his decisions are final. The following are selected from a published volume of decisions, as having some force in the explanation of similar statutes in this State:

QUALIFICATIONS OF TEACHERS.

The qualifications of teachers are left to the discrimination and judgment of the legal examiners. They must determine the degree of learning and ability necessary for a teacher. They ought to be satisfied that a certificate is given to those only whose learning and ability fit them in all respects to instruct common schools.

In judging of the moral character of a candidate for teacher, if the examining officers know of any serious imputation or defect of principle, it is their duty to refuse to certify. A certificate may be annulled for immoral habits generally, notwithstanding the teacher may perform all his duties during school hours.

In relation to the moral character of the teacher, much is left to the discretion of the examining officer. He must be satisfied that it is good, because he has to certify to its correctness. On this point what would be satisfactory to one man might be unsatisfactory to another. Every person has a right to the enjoyment of his own religious *belief* without molestation; and the examining officer should content himself with inquiries as to the *moral character* of the teacher, leaving him to the same liberal enjoyment of his religious belief that he asks for himself. If, however, a person openly derides all religion, he ought not to be a teacher of youth. The employment of such a person would be considered a grievance by a great portion of the inhabitants of all the districts.

Conditional certificates cannot be given to teachers. The law does not recognize any other mode of giving certificates than the one prescribed.

CONTRACTS WITH TEACHERS.

The most fruitful source of difficulty in school districts, has been the looseness and irregularity with which these contracts have been made. In some districts the trustees are in the habit of agreeing to pay the teacher the whole amount of public money that should be received, be it more or less. This is unjust to the teacher or the district, and has almost always led to contention. The agreement should be to pay him a specific sum by the month or by the quarter, adequate to the value of his services. If the public money is not sufficient, [in Michigan, public money and other taxes voted for support of schools] the deficiency should be supplied by a rate bill. It is not to be believed that any intelligent citizens will consider that so-called economy, which prefers that their children should be brought up in ignorance, or instructed in error, rather than contribute the mere trifle which secures them an education sound and accurate, at least as far as it goes. When the rewards which other professions and avocations hold out to talent, knowledge and industry, are so liberal, how can it be expected that persons competent to the great business of instruction should devote themselves to it for a compensation inadequate to their support? •

If a teachers' certificate is annulled, the trustees [district board] are at liberty to dismiss him, and to rescind their contract with him. They engage him as a qualified teacher, and the moment he ceases to be so, there is a failure of the consideration for the contract.

The law is not specific as to the number of hours which shall constitute a day in teaching school. The custom of the country therefore must determine the question.

BOARDING TEACHERS.

A practice prevails to a very considerable extent among the several school districts, of trustees' engaging with a teacher that he shall board with the parents of the children alternately. There is no authority for such a contract, and it cannot be enforced on the inhabitants. This compulsory boarding gives occasion to constant altercation and complaint, which often terminate in breaking up the school. The best arrangement is to give the teacher a specific sum and let him board himself. But there are some districts so destitute that it may afford the inhabitants considerable relief to be permitted to board the teacher. In such cases the object can be obtained in another way. Let the trustees contract with the teacher at a specific sum per month, or by the quarter, and they may agree with him, that if he shall be afforded satisfactory board at the house

of any of the inhabitants, he shall allow whatever sum may be agreed upon per week for such board.

DISCIPLINE AND CONDUCT OF THE SCHOOL.

It can scarcely be necessary to remark on the importance of order and system in the schools, not only to enable the pupils to learn anything, but to give them those habits of regularity so essential in the formation of character. Punctuality of attendance, as well as its steady continuance should be enforced. Parents should be told how much their children lose, to what inconvenience they expose the teacher, and what disorder they bring upon the whole school, by not insisting upon the scholars being punctually at the school room at the appointed hour; and above all they should be warned of the injurious consequences of allowing their children to be absent from school during the term. By being indulged in absence, they lose the connection of their studies, probably fall behind their class, become discouraged, and then seek every pretext to play the truant. The habit of irregularity and insubordination thus acquired, will be apt to mark their character through life.

If a child attends school part of a day only, it is to be reckoned as half a day. Nothing less than half a day can properly be recognized by a teacher in making out his school list.

DISMISSAL OF SCHOLARS.

It is the duty of the trustees to co-operate with the teacher in the government of the school, and to aid him, to the extent of their power and influence, in the enforcement of reasonable and proper rules and regulations; but they have no right to dismiss a scholar except for the strongest reasons; for example, such a degree of moral depravity as to render an association with other scholars dangerous to the latter, or such violent insubordination as to render the maintenance of discipline and order impracticable; in which case they may legally exclude him from the school, until such period as he may consent to submit to the reasonable rules and regulations of the teacher and trustees; and if after such exclusion he persists in attending, without permission from the trustees, and contrary to their directions, he may be proceeded against as a trespasser.

A teacher may employ necessary means of correction to maintain order; but he should not dismiss a scholar from school without consultation with the trustees.

CHANGE OF SITE.

Experience has shown that by far the most fertile sources of contention and difficulty in the various school districts, originate from the proceedings of the inhabitants connected with the

change of the site of their school-house. Such a measure should, therefore, only be adopted when the convenience and accomodation of the inhabitants will be essentially promoted thereby; when the altered situation of the district imperatively requires a change; and even then, the full and hearty concurrence not merely of a clear and decided majority of the district, but of the inhabitants generally, should be secured before any final decision is made. There must always be a portion of the inhabitants, residing at the extremities of the district, who will experience more or less inconveniences, at particular seasons of the year, in consequence of their distance from the school-house; but it is better that these partial inconveniences should be submitted to, than that they should be transferred to others and the whole district plunged into a contention respecting the site. But when, in consequence of the enlargement of the district, a change is indispensable, the inhabitants should come together in a conciliatory and friendly spirit, having no other object in view than the best interests of the district and the convenience of the greatest number; and their action should be deliberate and circumspect—reconciling, as far as possible, the interests of all, and rejecting every proposition calculated to sow the seeds of dissension or disturbance in any portion of the district—bearing in mind that a mere numerical triumph, leaving a large minority dissatisfied and irritated, however gratifying to the successful party, for a time, is but a poor compensation for a divided and distracted district, and an embittered and hostile neighborhood.

There can be no partnership in the erection of a school house, which will prevent the district from controlling it entirely for the purposes of the district school.

A tax may be voted for the erection of a *fence* around the school house lot, and for a *bell*.

If a school house becomes unfit for use, and is abandoned, and the right to the site determines with such abandonment of the building, the district is to be regarded as destitute of a site and a new one may be designated.

RECONSIDERATION OF PROCEEDINGS.

The inhabitants of school districts may reconsider and repeal, alter and modify their proceedings at any time before they have been carried into effect, either wholly or in part. But the intention to do so, should be explicitly set forth in the notice of the meeting called for that purpose. When, however, contracts have actually been entered into, liabilities incurred, or expenditures of money had, in the prosecution of any measure directed by the district, a reconsideration will not be sanction-

ed, as no means exists to indemnify those who may be losers thereby.

LIBRARIES.

The object of the law for procuring district libraries is to diffuse information, not only, or even chiefly, among children or minors, but among adults and those who have finished common school education. The books, therefore, should be such as will be useful for circulation among the inhabitants generally. They should not be children's books, or of a juvenile character merely, or light and frivolous tales and romances, but works conveying solid information which will excite a thirst for knowledge, and also gratify it, as far as such a library can. Works imbued with party politics, and those of a sectarian character, or hostility to the christian religion, should on no account be admitted; and if any are accidentally received they should be immediately removed. Still less can any district be permitted to purchase school books, such as spelling books, grammars, or any others of the description used as text books in schools. Such an application of the public money would be an utter violation of the law. * * *

The propriety of a peremptory and uncompromising exclusion of those catch-penny, but revolting publications which cultivate the taste for the marvellous, the tragic, the horrible, and the supernatural—the lives and exploits of pirates, banditti and desperadoes of every description—is too obvious to every reflecting mind to require the slightest argument. Unless parents desire that their children should pursue the shortest and surest road to ignominy, shame and destruction—should become the ready and apt imitators, on a circumscribed scale, of the pernicious models which they are permitted and encouraged to study—they will frown indignantly on every attempt to place before their immature minds, works whose invariable and only tendency is disastrous, both to the intellect and the heart.

The exclusion of works imbued to any perceptible extent with sectarianism, rests upon the great conservative principles which are at the foundation of our free institutions. Its propriety is readily conceded when applied to publications, setting forth, defending, or illustrating the peculiar tenets which distinguish any one of the numerous religious denominations of the day from the others. On this ground no controversy exists as to the line of duty. But it has been strongly argued that those "standard" theological publications which, avoiding all controverted ground, contains general expositions of Christianity—which assume only those doctrines and principles upon which all "evangelical" denominations of Christians are agreed,

are not obnoxious to any reasonable censure, and ought not, upon any just principles, to be excluded from the school district library. There are two answers to this argument, either of which is conclusive. The one is that the works in question, however exalted may be their merit, and however free from just censure, on the ground of sectarianism, are strictly *theological*, doctrinal or metaphysical; and, therefore, no more entitled to a place in the district library than works devoted to the professional elucidation of law, medicine, or any other learned professions. Their appropriate place is in the family, church, or Sunday school library. The other answer is, that in every portion of our country are to be found conscientious dissenters from the most approved theological tenets of these commentators on Christianity; individuals who claim the right, either of rejecting Christianity altogether, (as the Jews,) or of so interpreting its fundamental doctrines, as to place them beyond the utmost verge of "evangelical" liberality; and this too, without in any degree subjecting themselves to any well founded imputations upon their moral character as citizens and as men. The State, in the dispensation of its bounty, has no right to trample upon the honest convictions and settled belief of this or any other class of its citizens, against whose demeanor, in the various relations of society, no accusation can be brought; nor can it rightfully sanction the application of any portion of those funds to which they, in common with others, have contributed, to the enforcement of theological tenets to which they cannot conscientiously subscribe. Any work, therefore, which, departing from the inculcation of those great, enduring and cardinal elements of religion and morality which are impressed upon humanity as a part of its birthright—acknowledged by all upon whom its stamp is affixed, however departed from in practice, and incorporated into the very essence of Christianity as its pre-eminent and distinctive principle—shall descend to a controversy respecting the subordinate or collateral details of theology, however ably sustained and numerous, sanctioned, has no legitimate claim to a place in the school district library, nor can its admission be countenanced consistently with sound policy or enlightened reason.

The following general principles have been laid down in a special report on common school libraries, prepared under the direction of the department, by Henry S. Randall, Esq., County Superintendent of common schools of Cortland county, and may be regarded as the settled principles of the department in reference to this class of books:

"1. No works written professedly to uphold or attack any sect or creed in our country, claiming to be a religious one, shall be tolerated in the school libraries.

"2. Standard works on other topics shall not be excluded, because they incidentally and indirectly betray the religious opinions of their authors.

"3. Works avowedly on other topics, which abound in direct and unreserved attacks on, or defences of the character of any religious sect; or those which hold up any religious body to contempt or execration, by singling out or bringing together only the darker parts of its history or character, shall be excluded from the school libraries.

"It is said that under the above rules, heresy and error are put on the same footing with true religion—that Protestant and Catholic, orthodox and unorthodox, Universalist, Unitarian, Jew, and even Mormon, derive the same immunity! The fact is conceded; and it is averred that each is equally entitled to it, in a government whose very constitution avows the principle of a full and indiscriminate religious toleration.

"He who thinks it hard that he shall not be allowed to combat, through the medium of the school libraries, beliefs, the sin and error of which are as clear to him as is the light in Heaven, will bear in mind that the library at least leaves him and his religious beliefs in as good a condition as it found him. If it will not propagate his tenets, it will leave them unattacked. If he is not allowed to use other men's money to purchase books to assault their religious faiths, he is not estopped from spending his own as he sees fit, in his private, or in his Sunday school library—nor is he debarred from placing these books in the hands of all who are willing to receive them. His power of morally persuading his fellow men is left unimpaired; nor will he, if he has any confidence in the recuperative energies of truth—if he believes his God will ultimately give victory to truth—ask more. In asking, or condescending to accept, the support of an earthly government, he admits the weakness of his cause, the feebleness of his faith. He leans on another arm than that which every page in the Bible declares all-sufficient. In what age of the world has any church entered into meretricious connection with temporal governments, and escaped unsullied from the contact? Any approximation to such connection, even in the minutest particular—any exclusive right or immunity given to one religious sect or another in the school library or elsewhere, is not only anti religious, but anti-republican. As men, we have the right to adopt religious creeds, and to attempt to influence others to adopt them; but as Americans, as legislators or officials dispensing privileges or immunities among American citizens, we have no right to know one religion from another. The persecuted and wandering Israelite comes here, and he finds no bar in our naturalization laws. The members of the Roman Greek, or

English Church equally become citizens. Those adopting every hue of religious faith—every phase of heresy, take their place equally under the banner of the Republic—and no ecclesiastical power can snatch even 'the least of these' from under its glorious folds. Not an hour of confinement, nor the amercement of a farthing, not the deprivation of a right or liberty weighing 'in the estimation of a hair,' can any such power impose upon any American citizen, without his own full and entire acquiescence."

When it is considered that the foundations of education are laid during the period of youth, and that the taste for reading and study is, with rare exceptions, formed and matured at this period, if at all, the importance of furnishing an adequate supply of books, adapted to the comprehension of the immature but expanding intellect—suited to its various stages of mental growth, and calculated to lead it onward by a gradual transition, from one field of intellectual and moral culture to another, cannot fail to be appreciated. And even if the intellectual wants of many of the inhabitants of the districts, of more mature age, are duly considered, it admits of little doubt that a due proportion of works of a more familiar and elementary character than are the mass of those generally selected, would have a tendency not only to promote, but often to create that taste for mental pursuits which leads by a rapid and sure progression to a more extended acquaintance with the broad domains of knowledge. Those whose circumstances and pursuits of life, have hitherto precluded any systematic investigation of literary subjects, and who, if they possessed the desire, were debarred the means of intellectual improvement now brought within their reach, can scarcely be expected to pass at once to that high appreciation of useful knowledge, which the perusal of elaborate treatise on any of the numerous branches of science or metaphysics requires; and the fact brought to view by the annual reports of the county superintendents, that by far the greater proportion of the inhabitants of the several districts neglect to avail themselves of the privileges of the library, indicate too generally a failure to supply these institutions with the requisite proportion of elementary books.

In the selection of books for the district libraries, suitable provision should be made for every gradation of intellectual advancement; from that of a child, whose insatiable curiosity eagerly prompts to a more intimate acquaintance with the world of matter and of mind, to that of the most finished scholar, who is prepared to augment his stock of knowledge by every means which may be brought within his reach. The prevalence of an enlightened appreciation of the requirements of our people in this respect, has already secured the applica-

tion of the highest grade of mental and moral excellence to the elementary departments of literature; and works adapted to the comprehension of the most immature intellect, and at the same time conveying the most valuable information to more advanced minds, have been provided—wholly free on the one hand, from that puerility which is fit only for the nursery, and on the other, from those generalizations and assumptions which are adapted only to advanced stages of mental progress. A more liberal infusion of this class of publications sanctioned by the approbation of the most experienced friends of education into our district libraries, would, it is confidently believed, remove many of those obstacles to their general utility, which otherwise are liable to be perpetuated from generation to generation.—Dix, *Supt. N. Y.*

HOLIDAYS.

The *holidays* on which a teacher may dismiss his school are such as it is customary to observe, either throughout the country or in particular localities; among which may be enumerated the Fourth of July, Thanksgiving, Christmas, New Year's, &c.

The teacher may also, unless restrained by special contract to the contrary, dismiss his school on the afternoon of each Saturday, or the whole of each alternate Saturday, according to the particular custom of the district in that respect, or his own convenience and that of the inhabitants.

If the school is dismissed on the afternoon of Saturday, the teacher is not required to make up the time after the expiration of the month; and if he keeps the whole day, he does not gain time thereby, but must continue the school till the month is fully ended. He is not bound to keep school on Saturday afternoon unless he has expressly agreed to do so.

MISCELLANEOUS.

RESIDENTS AND NON-RESIDENTS.—The children belonging to the poor-house [unless otherwise residents of the district] ought not to be numbered for the purpose of drawing money in the district in which the poor-house happens to be situated.

When a man arrives at the age of 21 years, having no family of his own, and hires out for a year or six months, his residence is where he is employed, and he cannot come into the district where his father may live, and vote at a district meeting.

FUEL.—To enable the [director] to make an apportionment of fuel at the commencement of the school, he can ascertain how many scholars each inhabitant proposes to send, and graduate the fuel accordingly. If, in the progress of the school,

the number is varied, the apportionment can be altered so as to do justice to the parties concerned.

USE OF SCHOOL-HOUSE.—It is proper for the [board] to allow the school house to be used for Sunday school. They are so intimately and so usefully connected with the objects and purposes of the common schools, that the school-house should not be shut against them.

SURPLUS MONIES.—If a tax is voted for any object, and the whole amount raised is not expended, the inhabitants of the district may vote to apply it to any other object for which a tax may by law be voted. The district officers have no power to do so without such a vote.

BUSINESS AT SPECIAL MEETINGS.—A notice for a special meeting to "take into consideration the propriety of building a new school house in said district, and if thought advisable at said meeting to build, then to levy a tax," &c., was sufficient to justify the inhabitants to vote a tax to repair the old house. The two objects are so nearly allied, that no one can complain of surprise; and it seems to be manifest that, if the main object of the meeting, that of raising money to build a new school-house, should fail, the other, that of raising money to repair the old one, almost necessarily follows.

NOTES AND SCHOOL MONIES.—There is no provision in the statute by which school officers may purchase or receive promissory notes. They cannot lawfully purchase them, for the moneys which come into their hands are appropriated to specific objects, and they have no right to use those moneys, even temporarily, for any other purpose. They cannot receive and hold promissory notes for moneys due the district, for the law requires them to collect in specified modes the legal demands of their districts against individuals. To take a due bill or note of hand from any individual for money due the district, is not only an unauthorized, but an unnecessary step, and officers can have no possible justification in thus transcending their powers. They have other means of enforcing the legal rights of the district, and they should not resort to practices for which the law furnishes no authority. The wages of teachers must be paid in the mode prescribed by law. If trustees purchase demands against them, it is in their individual capacity, and those demands will not be allowed to enter into their official transactions, or to be set off against the demands of the teacher upon the district.

THE SCHOOL LAWS AND SPECIAL LEGISLATION.

In the edition of School Laws published in 1859, were given in full, the laws relating to the University, the Normal School, the Agricultural College, and "Incorporated Institutions of Learning." No changes affecting the character of those institutions have been made since that time, and it is not deemed necessary to re-produce these enactments in this volume.

The primary school laws, now embracing—inclusive of the provisions for district libraries—*one hundred and seventy-six sections*, when originally adopted by the act approved March 20th, 1837, numbered but *forty six*. They were designed to meet all the requirements of a general law for all the districts, large or small, in the State. But whether well or ill adapted to the wants of the times, the laws required in 1837 would be found quite inadequate to the necessities of 1864; both from the increase of population, (the children of school ages alone now numbering about one-half more than the entire population of the State at that time,) and from the very great improvements made since that time, in the character of schools, and in the methods of teaching. The graded or union school was unknown to the earlier law.

The laws were originally divided into Articles, under several heads. In the Revised Statutes of 1838, the numbering was omitted, but the headings were retained. As new necessities were developed, in the growth of the State, and the increase and enlargement of districts, amendments were made from year to year, until the headings became more or less inappropriate; and in subsequent compilations some of them have been dropped, while others have been added; leaving them still but very "blind guides" to the subject of the text. These amendments, now constituting three-fourths of the entire law, have been successively engrafted, one upon another, till each subject is found mixed with nearly every other, rendering the compendium at the commencement of this work, of the highest importance and value to those administering the laws.

While these increasing legal wants of the districts have been met as well as might be, by changes in the general law, individual districts have sought for remedies such as their advanced

material or educational condition was thought to demand. Special acts have been passed in their behalf, in some cases granting a single additional power, and in others, a special charter, making radical changes in the administration of school affairs.

That the laws were insufficient to meet fully the wants of the larger cities and towns absurdly cut up into districts, with school-houses perhaps within a stone's throw of each other—one side of a street with a good school perhaps, and the other side with none—was doubtless true. To obviate these evils, a law was passed, enabling adjoining districts to unite; but partly from the inadequacy of the provisions of the law, and partly perhaps from the ignorance or inexperience of school officers and others, in regard to the new system, this remedy was often neglected or found inadequate, and aid continued to be sought by special legislation.

Thus we have several districts in the State acting partly under special enactments, and partly under the general law; some even, under provisions which are in their terms, of doubtful constitutionality. The whole of these acts would greatly exceed in bulk, the entire general School Laws; and their very extent would preclude an insertion in this work. It has been thought well, however, to allude to the subject, as a matter of general information, and in view of future action in the same direction.

While there were, perhaps, good reasons for many of these special acts at the time of their passage, it is believed that with the exception of Detroit, or of other places if they shall approximate to its population, the *Graded or High School Law* of 1859, amended in 1861, gives to every place all the advantages it can obtain by special legislation. This law was designed to meet all the exigencies of the cities, and all the necessities hitherto sought to be supplied by special acts. It was the result of the experience of the large districts under their charters, and in the workings of the previous Union School Laws. Thus the general law is believed to be now so far perfected by time and experience, that cases of real necessity for special legislation for school districts will be extremely rare.

COURSE OF STUDY FOR PRIMARY DISTRICT SCHOOLS.

The good order and success of our primary district schools would be greatly promoted by the adoption of a regular course of study and instruction in them. Under the amendments to section 57 of the school laws, the District Boards are fully authorized to adopt such a course. The following suggestions offered here to aid School Boards in this necessary but difficult work, are taken, with some modifications, from the annual report for 1862:

It may be objected that the frequent changes in teachers and the uncertain and variable length of school terms, together with the irregular attendance of the pupils, will effectually prevent any steady adherence to a fixed course of instruction.

It is readily admitted that great difficulties lie in the way, not the least of which is the claim, on the part of parents, to choose what their children shall study, without any reference to a fixed and regular course. But on a more careful consideration it will be found that the difficulties are not so great as they at first appear; while some of the seeming objections against the plan, are really strong arguments in its favor. Thus the frequent changes of teachers and the uncertain length of terms, are vital reasons for a fixed course, since by means of such course alone can each teacher and each term continue and carry forward the work of previous teachers and terms. The irregular attendance of pupils may hinder their going forward with the regular classes, but need not prevent their following the regular succession of studies.

The settled selection of such a course of study would do much to introduce regularity elsewhere in the management of

the school. It would tend to a fixed arrangement of school terms, consisting of regular winter and summer sessions, of stated length, and having established days of beginning. And the course of studies wisely selected, and established by the authority of the school board, would ultimately win the parents' concurrence, and be accepted by them as the due order of things.

But the final answer to the objection is found in the fact that in all the better schools of the class here considered, something like a regular course of study is often fallen into, though often without much wisdom in the selection and arrangement of the parts. Each pupil comes to know what studies he will be expected next to take up, and often no little zeal is manifested to get forward in the course. Let this course be more carefully chosen, and established by due authority, and it meets the requirements of this argument.

BRANCHES OF STUDY AND INSTRUCTION.

The following branches may properly find a place in a course of studies for the primary district schools. The propriety of their introduction will depend upon the annual length of the school terms, and the ages and attainments of the pupils. Some of them should be found in every school.

1. *Language*—both oral and written,—comprehending talking, reading, orthography, composition and grammar. The acquisition of language is one of the great aims of all school instruction, and it should be taught in all the above named departments in every district school.

2. *Common Things*, comprehending a knowledge of the forms, colors, properties, parts and uses of the familiar objects and scenes of nature and art, and of all those elementary and easily learned facts, which, without being precisely scientific, are the first steps and rudiments of the sciences. This is a prominent part of early education; and should find a place in the daily instruction of all the younger pupils, to cultivate their power of observation and increase their knowledge of things and of words. This branch is to be taught by object lessons. The

recent popular introduction into so large a number of our best schools, of the "object lessons" on common things, and the high interest attached to these lessons whenever they have been used with skill, must speedily bring them into more general use. Several texts books on this branch of teaching have been published within the past two years, and others are said to be in preparation, or in the press. No other educational reform ever spread with like rapidity, and compelled such general assent.

The "object lesson" is a simple oral lesson, or talk with pupils, on the names, parts, properties and uses of some common object, which ought usually to be present for examination. The lesson may have for its aim, either to gain some definite knowledge of the object studied, in which case it is sometimes called "A lesson on Common Things," or to teach some property of matter, as *hardness, tenacity, transparency*, or some fact or truth of nature or science.

Object teaching, though of recent introduction, at least in this country, as a branch of school studies, is by no means a new invention on the earth. It is as old as the family of man. In all ages parents and teachers, when out of school, have instinctively taken familiar objects to attract the attention and awaken the intelligence of children. The mother, eager to elicit some look of intelligence from the infant, holds before its eyes some bright toy; and in later years, it is with the aid of the familiar objects of the household that the home education goes on.

A consideration of some of the arguments on which the claims of this mode of teaching rest, will help to remove prejudice, and to inspire a more earnest and intelligent zeal in its use. The following are some of the most obvious and impressive:

1st. Children are *naturally* interested in sensible objects. The colors, forms and parts of such objects attract their attention even before they can speak, and their first speech is about these objects.

2nd. The intellectual state of early childhood requires sensible objects for thought. The intellectual life of little children lies chiefly in sensation and perception. They cannot think much beyond what they see.

3d. Human knowledge begins in simple sensible facts. The child begins by seeing and ends with thinking. What he sees is the alphabet of what he thinks. One fact seen by his own eyes, is better than a dozen only described to him.

4th. Object lessons prepare the pupils to study books. Pupils well taught by object lessons will learn to read all the sooner for such teaching, and will study books much more intelligently.

5th. Finally. Object teaching is the most practical of all education. It makes the pupil quick sighted and thoughtful as to things around him.

3. *Number*, embracing mental and written arithmetic, and elementary Algebra.

4. *Natural Philosophy*, which might be called the philosophy of Common Things, since it explains the common properties and phenomena of matter, has almost unequalled claims to a place in the common schools. Concerning itself with facts that lie always around us, and are as open to children as adults, and presenting problems which stir the liveliest interest, and keenly stimulate the thoughts, the knowledge it affords is of daily application in our lives, and often vitally essential to our safety and success. The essential and secondary properties of matter, the laws of gravitation and cohesion, the mechanical powers, the pressure and flow of fluids, the phenomena of the atmosphere, light, sound, steam, electricity, &c.; these are matters that daily meet us, and constantly concern us—the child as much as the man. In the construction of his toys, in the sliding of his sled, in running, standing, falling, swimming, seeing, hearing, in all he sees and all he does, some principle of natural philosophy is involved; and once awakened to them, its problems crowd in fresh forms upon him every hour. Whether, therefore, for the interest it excites, the discipline it

gives, or the knowledge it conveys, this is one of the most useful studies for our common schools.

5. *Physiology*. I have named this among common school studies, partly because of the accessibility of its objects, and of the interest which even children must feel in the structure and functions of their own bodies, but chiefly because of the vital need we all have of the information it gives. No knowledge is of more importance to mankind than that which teaches us the laws of life and health, and enables us to avoid the dangers of disease and untimely death. Physiology does not offer so many problems to awaken the youthful mind as Natural Philosophy, and is not, therefore, so useful for educational purposes. It might not improperly be taught by oral lessons, but it certainly ought not to be neglected in the instruction of any one child.

6. *Geography* as a book study should come late in the course. With true teaching in the earlier years, there will be easily found time for it in the higher classes and among the oldest pupils. It should never be permitted elsewhere, except in the oral instruction on place and scenery, and in simple map drawing.

7. *History* should come with geography in the last years of the course. Its value as a common school study is, in many respects, greater than that of the latter branch. Its facts, though out of the range of his personal observation, appeal strongly to the pupil's sympathies, as the actions of beings of his own race; and its tales of human heroism or crime cultivate his moral nature, while they powerfully excite the action of his intellect and imagination. In his life as a citizen, the light of history is the great guide of his social and political duties. History, therefore, has these three grand requisites of a common school study: 1st, its facts are comprehensible to children; 2d, it strongly stimulates thought; 3d, it conveys necessary and most valuable information. With the history should be taught so much of political science as to enable pupils to understand the government of their own country.

8. *Vocal Music.* Vocal music is now, happily, becoming almost as common in our schools as it was once rare. Its high value and many uses as a school exercise will ultimately vindicate its claim to a place in every school in the country. It belongs at once to the three departments of education—physical, intellectual and moral; and it is almost equally valuable for the discipline it gives, and the influence it exerts.

9. *The Use of the Pen and Pencil.* The manual art of writing has long been considered an indispensable part of common school education. The kindred art of drawing may well claim a similar regard. It has been asserted by high authorities that drawing should precede writing, as a fitting preparation for it. Drawing and writing might often be taught in the same time now spent in acquiring the former, and each would be learned easier and better because of the practice in the other.

10. *Morals.* Good behavior was one of the seven studies anciently prescribed by law, for the common schools of Massachusetts; and certainly this was not the least important of the list. The necessity of a healthful moral influence in our schools has been acknowledged by all who have spoken or written concerning them. The school law has always demanded that the teachers shall be of good moral character. The safety of these large and miscellaneous gatherings of passionate and thoughtless children, imperatively requires the presence of some powerful, culturing and controlling moral force, watching like a Providence over them, and working as a power within them. And the high social and civil aims, for which the public schools are chiefly maintained—the maturing of law-abiding and virtuous citizenship—can never be secured except by a high-toned and successful education of the moral nature.

11. *Physical Education.* Since the bodies of children must be sent to school, a proper care for the health and growth of these bodies should enter into every scheme of school instruction. Regular, systematic and frequent exercises and pure

air are the only conditions by which the health of pupils may be preserved from serious if not fatal injury in school.

This course, though embracing some studies not ordinarily regarded as belonging to the common school, still leaves out some which are desirable to be included, and which may, in some cases, be properly substituted for those mentioned. But the list is already too numerous to be taught each term, by a single teacher; and only by confining some of them to winter terms, while others are taught in the summer, can they be successfully and properly introduced.

It will be seen that this list embraces all the branches now recognized as common school studies, Reading, Writing, Orthography, Arithmetic, Grammar and Geography. To these it adds as studies: Algebra, Common Things, Natural Philosophy, Physiology and History; and as training exercises or arts, Talking, Vocal Music, Drawing, Morals and Physical Exercises.

It will, doubtless, be still objected that this course too greatly enlarges the number of Common School studies; that it will tend to increase the number of classes beyond the teachers' ability to hear the lessons; and that but a small proportion of the pupils ever fully complete even the list now commonly introduced. I reply, with better methods and a more systematic order of teaching, all these branches can be thoroughly studied in the average length of time that children attend school; and if the studies be properly distributed between the summer and winter sessions, and the classes are not needlessly multiplied by a variety of text books, the number of classes will not be increased beyond those now required; and finally, the extent of a course of studies should evidently be measured by the wants of those who attend school longest, and not by those who leave before their education is half done. Giving a month's instruction in reading and writing to him who has no time for more, the school should also provide a fuller course for him who has time or inclination to pursue it.

And ought it not to be expected that our Common Schools will rise somewhat in their work to meet the growing wants

of the age, and to keep pace with the advancements in science and civilization? The improvements already made in the art of teaching certainly justify some extension of the course of instruction.

Finally, the Common School will gain in attractiveness and dignity, by this increase in its range of learning, and will beget, both in pupils and teachers, an ambition that will aspire to more generous efforts, and will attain to a nobler success.

But the feasibility of the course will be more apparent, when the studies are exhibited in their due and logical order, and each study is assigned to its own proper place and time.

THE ORDER AND TIME OF THE STUDIES.

Several difficulties lie in the way of any fixed arrangement of order and time of studies in the Common Schools. The different schools vary so much in the number and length of their terms, that no arrangement can be proposed for universal adoption. The following plan, which is offered mainly as a suggestion, is conformed to the supposed circumstances of the better class of schools, but can be easily adjusted to the wants of other schools. The average length of time the Primary Schools of this State were taught in 1861, was six and one-tenth months. In 3,151 districts the average time was about seven and a-half months; so that we may safely assume that the average time in nearly one-half of the districts in this State, was eight months.

Taking *eight months* as a school year, and dividing it into a summer and winter term of *four months* each, I assume further that the average school life of pupils will be *ten years*, reaching from five to fifteen years of age. It is also presumed that the older classes of pupils—from twelve to fifteen years of age—will attend school only in the winter terms, while the younger classes—from five to eight years of age—will attend only in the summer. This supposition is here admitted, both because it accords with the usage already pretty prevalent, and because

such a usage might with much advantage be made universal. Four months' schooling in a year is certainly enough for children of such tender years; and the summer term is best because the confinement in a schoolroom with open doors and windows, is less irksome and dangerous to them, and because the absence of the larger pupils, permits the school to be adapted more nearly to their wants. So, also, the absence of these younger children from the winter school, allows the older classes to be taught with less interruption and greater success. This would have the effect to grade the school, to some extent; the summer school including pupils of the primary and Intermediate grades, while the winter school would embrace only the Intermediate and Grammar School grades.

The above branches of study distributed through the *ten years*, extending from five to fifteen years of age, will give the following studies to each year. If a pupil enters at an advanced age, he may get over the course more rapidly; but ordinarily no study should be begun earlier than the age here indicated. Some pupils will, however, progress faster than others.

FIRST YEAR.—Summer Term only.

STUDIES.—*Morals, Language, (Talking and Reading,) Object Lessons, Drawing, Singing and Physical Training.*

Morals are to be taught by explaining and enforcing habits of neatness, order, obedience and politeness; and by short stories illustrating and stimulating the virtues of honesty, truthfulness and kindness to playmates, animals, &c. These lessons may be given as a general lesson to the entire school each morning, or may be given to the class as a supplement to the reading lesson.

Oral Language, or Talking, will be taught partly by the object lessons. The organs of speech should also be drilled on the elementary sounds, and by careful recitations of verses and maxims, singly and in concert.

Reading, or written language, will be best taught by the word-method. The alphabet and spelling need not, in this case, be taught this year. The reading may be confined to Webb's, or some other primary cards, and to the first third of the primary reader. Two lessons each day.

Object Lessons to train the perceptive powers (senses) and to teach the knowledge of common things. These lessons may include lessons on—

Forms, embracing lines, straight, curved, parallel, perpendicular, vertical, oblique and horizontal; angles, right, acute and obtuse; and plain surfaces, triangles and the square. The object used may be a string, a straight stick, pieces of paper cut into triangles, &c., and marks on the blackboard, &c., &c.

Colors, the most common colors, as red, yellow, blue, green, &c., taught with any colored objects.

Miscellaneous objects, as the visible parts of the human body, their parts and uses, articles of dress and furniture—their parts, forms, colors and uses may be noticed and named.

In giving these lessons, three cautions are needed: 1st, to make each lesson lively and short, not exceeding ten minutes; 2d, to introduce but one or two new ideas and words in each lesson; and 3d, to make each new idea and word perfectly familiar by setting the pupil to find and name the same thing, as a line or angle, in other objects both in the school room and outside.

Number.—The pupils may be taught to count to sixty or eighty, always counting objects, as the fingers, the children in the school, the glass in the windows, &c., or the kernels picked from an ear of corn.

Two object lessons may be given each day, occupying not more than ten minutes each.

Drawing.—Young pupils should be provided with slates, or permitted to use the black-board when not needed by the older classes; and should learn to print easy words from their reading lessons, and make the lines, angles, &c., learned in the lessons on form.

Singing of school songs will be taught at once to the entire school. Physical exercise also with the school.

SECOND YEAR.—Summer Term only.

STUDIES.—*Morals, Language*, (Reading through First Reader,) *Object Lessons*, (on Forms, Colors, Numbers, Size and familiar objects,) *Orthography, Drawing, Singing, &c.*

The lessons on Forms may embrace all regular figures of four or more sides, also those bounded by curved lines. Those on Colors may give the primary and secondary colors, with their tints and shades. In Numbers, counting to 100 by ones and by twos, forward and back; and simple additions and subtractions. Lessons on Size—the inch, foot, yard and rod taught by use of actual measures, and used by pupils in measuring school-room, playgrounds, &c.

The powers of the letters of the alphabet may be taught and words spelled phonetically; i. e., by sounds of the letters composing them.

THIRD YEAR.—Summer Term only.

STUDIES of the second year continued. The Reading may complete the Second Reader, and, if the pupil goes to the winter school, may enter the Third Reader. Spelling by sounds continued, and by writing the letters begun.

The object lessons should be extended to weights and measures, to be taught as far as practicable, with actual weights, &c., till the several tables of long, square, solid, cloth, liquid, and dry measures are thoroughly understood and memorized. The lessons on Form should now extend to the sphere, cone, cylinder, &c., and the lessons in Numbers to the first half of the multiplication table. The properties of matter, primary and secondary, may be learned and the lessons on animals and plants be made more systematic and full.

REMARK.—The instruction of these first three years, which constitute the primary period of education, should be mainly oral, and should have for its chief ends, to increase the children's stock of words and simple ideas, to cultivate the power of observation, and to give them the power of continued attention. Too much anxiety should not be felt to get them forward in reading, and no attempts should be made to set them at the work of learning text books of any science. If simple story books be furnished the pupils for reading at home, their progress will be greatly promoted. Stories should be read to them before they can read for themselves.

FOURTH YEAR.

The pupils now attend school during both winter and summer terms, and now begin the severe study of books.

1st Term. STUDIES.—*Morals, Object Lessons, Reading*, (3d Reader,) *Orthography, Mental Arithmetic, Singing, Penmanship and Drawing of Solids, &c.*

The lessons in morals now should seek to make the pupils understand the foundation of moral obligations, the various classes of human rights and duties, and the spheres and use of the several virtues.

The object lessons may now be given with direct reference to the coming studies of Natural Philosophy, Physiology, Geography, &c., giving the simple elementary ideas and terms used in these sciences.

The training in thinking, in the primary years, was confined mainly to the perceptive faculties; the pupil must be now drilled to the study of books—to the conception and conquest of ideas presented in words rather than in things. This constitutes the art of "learning lessons from books."

The mental arithmetic may extend through the first half year of the book, (Stoddard's Intellectual,) with miscellaneous oral exercises; one lesson each day, and the multiplication table thoroughly completed.

Writing and Drawing in alternate lessons, one lesson each day.

2d Term. STUDIES.—Same as 1st term; Mental Arithmetic completed, and notation learned.

FIFTH YEAR.

1st Term. STUDIES.—*Morals, Reading, (Fourth Reader,) Orthography, Arithmetic, (through fundamental rules and Reduction,) Singing, Writing and Drawing* of leaf forms, plans of school-house, grounds, &c.

2d Term. STUDIES.—Same as 1st term. Arithmetic through vulgar fractions.

The reading of this year should be alternated with thorough elocutionary drills in inflections, emphasis and expression; and should be made a constant drill in thinking, by requiring the pupil to catch, at a single reading, the sense of the piece and give it in his own language.

SIXTH YEAR.

1st Term. STUDIES.—*Reading, (Fourth Reader,) Orthography, Arithmetic, (Decimal Fractions,) Natural Philosophy, Writing and Drawing.*

Natural Philosophy. If the earlier studies and instructions of the course have been thoroughly mastered, this study will be pursued with great facility and interest.

2d Term. STUDIES of preceding term continued; Philosophy completed.

SEVENTH YEAR.

1st Term. STUDIES.—*Reading, Orthography, Composition, Arithmetic, (completed) Physiology, Writing and Drawing* leaf and animal forms.

Physiology, first half of book completed.

2d Term. STUDIES of previous term; *Arithmetic* reviewed, or *Algebra*; *Physiology* completed.

EIGHTH YEAR.—Winter Term only.

STUDIES.—*Algebra, Grammar, Composition, Geography, (Mathematical and Physical,) Writing and Perspective Drawing.*

A useful application of arithmetic and writing combined; *Book Keeping* may be introduced.

NINTH YEAR.—Winter Term only.

STUDIES.—*Book Keeping* continued; *Grammar, Composition, Geography*, local with map drawing; *History of United States*, which may also be used as a reading lesson.

TENTH YEAR.—Winter Term only.

STUDIES.—*Grammar, Geography, History*, and reviews of previous studies.

REMARK 1. It will be observed that the book studies in this course are deferred to a much later age than that at which they are usually commenced. Experience has demonstrated nothing more conclusively than the inutility, and even positive harm, of putting children too early to the study of books. As an ordinary rule, book study should not commence before nine or ten years of age. It will, doubtless, happen that some pupils will attend

school beyond the age of fifteen years, the contemplated end of the course. In case these pupils have already fully mastered the course as above laid out, they may be permitted to advance to other studies, as Geometry, Natural History, &c., if the teacher's time permits.

REMARK 2. If all the classes are present, the above course will give 20 recitations a day in the summer term, and 23 in the winter term; but it will rarely happen that classes representing all the successive years will at once belong to the school. If, however, these classes are all present, a reduction of the number of recitations may be made by combining the reading and spelling classes of the 5th, 6th and 7th years, and alternating some of the studies on successive days.

Doubtless experience will suggest some modifications in this course to adapt it to schools of less length of annual terms, and perhaps, also, to meet the wants of pupils whose circumstances will permit them to pursue only a part of the branches named. But the importance of the general principles involved in the course, cannot be controverted; and it is confidently believed that the course itself, will, in the main, be found applicable to a majority of our schools.

It is, therefore, earnestly recommended that each District Board shall formally adopt some regular course of studies, and cause a fairly written copy of the same to be posted in the school-house, for the guidance of teachers and pupils. Such a course would act as a constant suggestion, and would stimulate both teachers and pupils to a more earnest and a more orderly work. It would be both a guide to inexperienced parents, in the education of their children, and a standard by which to try the real value and progress of the school.

A vast additional advantage would be gained, if the adoption of a settled course of studies should lead also to the adoption of stated school terms, of fixed length and regular and well known times of opening and closing each year. It might also have a tendency to increase the regularity of attendance, since it would naturally inspire each pupil with a desire to complete the course in the appointed time. At any rate the irregularity in daily attendance, now so deleterious to our schools, would prove no more embarrassing under a regular course, since the interruption of classes is equally disastrous to order and progress, however the classes are organized.

COURSE OF STUDIES FOR UNION OR GRADED SCHOOLS.

A true graded school implies two particulars:

1st. A thorough classification of the pupils into distinct grades* or departments, according to ages and attainments.

2d. The establishment of a graded course of study and instruction, answering to the grades of pupils. These two are essential conditions of success, and no school is properly graded without this double classification of pupils and studies.

We may easily distinguish these great, natural stages in education: 1st, that in which the senses and the power of observation are the principal sources of knowledge, and in which the child simply desires to see, hear and handle; 2d, that in which the action of the judgment and imagination becomes prominent, and the child is eager to imitate, contrive and act, and learns by practice and experience; and 3d, that in which reason and reflection are added, and the child seeks for causes, and learns chiefly by rational thinking. These stages or grades, which may be designated as the Primary, the Practical and the Philosophical grades in education, somewhat overlap each other in their characteristics, and are not constant in their relation to the years of life. In general the Primary grade embraces the first seven or eight years of life, the Practical the

*There is a variety of use of the term *grades*. In some schools the word is used to designate the several classes in a department; as the 1st, 2d and 3d *grades* of the Primary Department; meaning the classes of the 1st, 2d and 3d years, in this department. In this article I have preferred the more philosophical use of the word as applied to the great natural stages of growth and culture. Thus the *primary grade* is used to designate the primary state of education, of which oral teaching and the training of the senses by the use of objects are the characteristics, and in which the child learns chiefly by observation. The pupils of this grade may all be taught in one *department* or in several, as the wants of the school demand. Sometimes, as in smaller schools, two or more grades are taught in the same department. The grade is sub-divided into classes corresponding to the several years embraced in it.

next six or eight, and the Philosophical from thence forward. The characteristics of the second grade begin to show themselves before the first is fully past, and those of the third begin to appear before the end of the second. In the primary grade the teaching is almost wholly oral; in the practical and philosophical it is chiefly by books. The transition from oral teaching to book teaching is so great and difficult that it has induced the introduction, between the primary and practical, of an intermediate grade, whose chief business is to learn the use of books.

Taking then, the natural stages of education as a basis of classification, *the natural grades of a union school are these four, viz:*

1. The *Primary* or beginner's grade, embraces the pupils whose slender knowledge of language and ignorance of reading, as also their undisciplined powers of attention and reflection, disqualify them for the study of books, and *who must be taught orally.*

The pupil learns nothing from books independently of the teacher. By conversational lessons on sensible objects, the pupil's power and habits of observation are developed and his knowledge of language is enlarged. Even in teaching reading to this grade of pupils, the voice of the teacher constantly goes before that of the pupil, interpreting the printed words, and giving the right pronunciation.

The tender age of children, in this grade, demands that the confinement shall be much less severe than in the later grades; more frequent and longer recesses being allowed them, and frequent physical exercises interspersed. School sessions, for this class of pupils, should not exceed four hours aday.

The power of *attention*, in these young pupils, is also so undeveloped and weak that each exercise should be brief and animated; rarely exceeding ten minutes, and made as lively and diverting as possible. How clear is it that the best interests of these pupils demand their instruction in a *separate* department organized to meet their peculiar wants.

2. The *Intermediate* or transition grade, comprises the pupils who, having learned to read, and having obtained some knowledge of words and things, through the oral instructions of the primary grade, are prepared to begin the study of books. The learning of lessons from books differs so widely from the process by which little children gather knowledge through the spontaneous use of their senses, or by conversation with their parents or teachers, that some thorough and efficient instruction should evidently be given in the *art of lesson learning*. To give such instruction is the main purpose and business of this grade, which is therefore properly intermediate and transitional between the *primary* or *oral teaching*, and the periods of mature and independent study of books.

Perhaps no part of the business of teaching has been so little cared for, or comprehended even, as this. As soon as pupils have learned to read fluently they have had lessons assigned them, and without a word of instruction as to the methods by which they are to proceed, they have been told to learn the lesson. What wonder that it is so common to see young pupils attempting to commit their lessons by a parrot-like repetition of the words. How futile and disastrous must ever be such a method of study.

Pupils should be taught that the true aim of study is not *to recite*, and not even *to remember*; but *to know*. He who studies merely that he may *recite* to a teacher, will almost inevitably study superficially, learning the letter and not the sense of the lesson. He who studies merely that he may store his memory will be apt to seize hold upon those artificial associations of ideas which, while they are more easily formed, are also more readily lost, than the true philosophical relations of thought. The pupil who labors to thoroughly understand and know that which he studies, will not only both remember and recite better than others, but he gathers a power and forms a habit which will open to him a whole field of learning.

The oral teaching of the primary grade should be continued to a considerable extent in the intermediate grade. While the

pupil is introduced into the world of books, he should not be permitted to lose sight of the world of facts, of which books are but transcripts. The brief exercises and the frequent reliefs prescribed for the primary pupils will still be needed in this second department.

3. In the *practical*, commonly called the *grammar school grade*, the pupils enter fully upon the independent study of books. The teacher simply assigns the lessons, and the pupils learn by their own unaided efforts. Care must still be used to continue and perfect the habit of thorough and thoughtful study, and the object lesson may still be used, though of an advanced class.

As has been already stated, the studies of this grade are to be largely mingled with, and illustrated by, practical exercises. The pupils have not reached the age of abstract reflection. The mind is still largely dependent on the senses, and needs to correct and ripen its impressions by the labors of the eye and hand. The common method of studying arithmetic, with numerous practical examples to be performed under each topic and principle, is doubtless the true method of study in all branches for the pupils of this grade. Arithmetic owes much of its popularity as a common school study, to this practical method of teaching it. Were like modes pursued with other studies, the teaching in this grade would gain greatly in efficiency and success. One of the most popular of modern grammars owes its success almost solely to its plan of analyzing sentences by the aid of diagrams. Had it provided equally for synthetical grammar by a system of exercises in the construction of original phrases and sentences it would have left us little to ask for, as far as its methods are concerned.

The recitations of the grammar school grade should be made principally in the form of questions and answers. In the high school, pupils may be required to recite by topics, without the aid of questions; but the pupils of the grammar school will scarcely have reached the strength or maturity of mind that will enable them to comprehend subjects in their logical con-

nections and entireness, and to re-produce the lessons of the text book in full and spontaneous statement. They will need the stimulus of questions to quicken and direct their thoughts. But these questions should never be leading questions, or such as suggest the answer. They should go beyond those printed in the book, and should aim to sift thoroughly the pupil's knowledge of the lesson, and to excite also his mind to a deeper and wider research into the subject itself.

4. The philosophical or *high school grade* embraces those who have entered upon the study of the sciences, as such, learning truths in their logical relations.

These two latter grades differ from each other not only in the branches pursued, but also in the general aim of the studies, and in the modes of recitation. In the former the studies approach the character of arts, and are learned and impressed by practical exercises, as cyphering, map-drawing, composition, writing, &c. In the latter the studies are pursued as sciences, and approximate more nearly a scientific investigation of principles and laws.

In the *high school* grade the exercises, and modes of learning and recitation become more like those by which the educated man pursues his reading and study in his own library. The studies are more scientific, and are prosecuted by more purely rational methods. Indeed, it is the business of this grade to induct the pupil into those modes of reading and scientific investigation, which he will need to use in his manhood. That school education is evidently and grossly defective, which leaves the pupil dependent upon teachers, and does not fit him to prosecute his studies by himself, after his school days are done.

It should be remarked that although these four stages of scholarship exist in the very nature of the case, and there will always, therefore, be something corresponding to these four grades in every thoroughly graded school, yet it is not implied that each school shall have four separate departments.

A school may be graded as soon as the number of pupils requires the employment of two teachers. But in this case two grades would be combined under one teacher. In other cases where more than four teachers are employed, as in some of the larger union schools, the grades may be sub-divided; the beginners in the grade being placed under one teacher, and the more advanced pupils under another. But however sub-divided or combined, these four broadly marked grades will still remain, each requiring its own peculiar modes of instruction, and each governed by its own laws of progress.

In grading any particular school, regard must, of course, be had to the character and accommodations of the school building, to the relative numbers of the children of the different ages, and somewhat to the courses of instruction previously taught, and the scholarship of the pupils.

If, for example, the school-house has but a small room for the Intermediate grade and a large Grammar school room, it may be necessary to send the pupils of the former a year earlier into the room of the latter grade, or, in other words, to comprehend the last year of the Intermediate course in that of the Grammar school. It is not infrequent, that the pupils of the last year of the Grammar school are seated in the High school room and taught by High school teachers. It is of course better that each grade shall have its own school room.

In communities in which the older children find profitable employment in some branch of industry, it often happens that there is a disproportionate number of attending pupils of the primary grade. To equitably divide the labor among the teachers will, in such cases, require the division line of the grades to be swung somewhat lower than in other cases.

Some provision will require also to be made for pupils who come to school only during the winter, or occasional terms. The absolute necessity for adhering to some regular course of studies in the graded school, forbids that every study shall be taught in each term, and a student entering a school for a single term cannot reasonably expect that the course of instruction

shall be varied, to the manifest injury of the entire school, in order to allow him to study some particular branch or book not belonging in that term. But the difficulty is not so serious as it appears. In any term, the occasional student will find some classes which he will be prepared to enter, and studies which will be amply profitable for him to pursue, even if they are not the particular studies which he desires. And often it is practicable to arrange the course with reference to the known wants of winter students, or to organize extra classes for their accommodation. Great care, however, must be taken not to overburthen the teachers with extra classes, which ambitious teachers are often too ready to undertake, especially in favorite branches of study.

It cannot be determined absolutely, for all pupils, what shall be the *ages* for entering, or the *time* occupied in passing the successive grades. As in body, so also in mind, some children grow faster, and mature earlier than others. In general, children may enter the *primary* department at *five*, the *intermediate* at *seven*, the *grammar school* at *ten*, and the *high school* at *fourteen*.

COURSE OF STUDY AND INSTRUCTION.

In the arrangement of the following course of studies, the school is supposed to be divided into four departments, and the school year to consist of two terms of twenty weeks each:

PRIMARY GRADE.

TIME, TWO YEARS.—FIRST YEAR.

STUDIES:—*Morals, Object Lessons, Language, Reading, Numbers, Drawing, Singing and Physical Movement.*

FIRST TERM:

Morals taught by explaining and enforcing habits of neatness, order, obedience and politeness; and by short stories,* illustrating and inspiring the virtues of truthfulness, honesty, kindness to playmates, to animals, &c. These lessons are continued daily throughout the grade.

*The little work entitled "Moral Lessons," prepared by F. M. Cowdry, Esq., the excellent Superintendent of the Sandusky Public Schools, is made up of stories embodying moral teachings, with questions adapted to awaken the pupil's thoughts. Many of the School Readers in use also abound in stories, which, if simply told, and with direct appeals made to the pupil's judgment, would answer the same purpose. Any series of Sunday School papers will also be found to abound in such stories. A teacher, once started on this course of moral teaching, will find abundant materials multiplying on his hands. The Bible history is full of incidents which may be so told as to excite the moral feelings of children and cultivate their moral judgment.

ures of time. These measures should be made familiar by daily use. This will promote the habit of accurate observation.

Miscellaneous object lessons may continue the lessons on plants and animals, to make their visible parts, uses, motions, &c., familiar, and prepare the pupils to study them more systematically in the next grade.

Place. Distance and direction of objects, extent and boundaries of school room, yards, fields, &c. Colors, Tertiaries with their tints and shades.

Numbers. Counting by fours to 100 and back, in these series: 4, 8, 12, 16; 1, 5, 9, 13, &c., 2, 6, 10, 14, &c.; 3, 7, 11, 15, &c. The counting should at first go only to twenty; and when this is familiar, then to 30 and 40, &c., in succession, till the pupils can count rapidly and easily to 100. A second series should not be undertaken till the first be perfectly learned. The multiplication table may now be learned to 5 times 12. Mental exercises in addition, subtraction and multiplication, may be given orally, as follows: Take 4, add 4, add 3, add 5, subtract 4, subtract 6, multiply by 4, subtract 3, subtract 5, add 4, add 5, and give the result. Let each pupil that gets the result hold up his hand, and some one be called on to give it.

Reading. The reading may extend this term through sixty pages of Webb's Second Reader, with particular attention to finding out new words by the sounds.

Language, by object lessons. The drills on the elementary sounds continued. Reciting a concert, &c.

Spelling, by sounds, and by printing on the slates the words of the reading lessons, and the new words learned in the object lessons.

Drawing daily on slate and black-board, singly and in concert, drawing of leaf forms, and of plans to a scale, as a preparation to map drawing.

INTERMEDIATE GRADE.

TIME, *Three Years.*

FIRST YEAR.

STUDIES:—Morals, Object Lessons, Reading, Spelling, Mental Arithmetic, Drawing, Writing, Singing, Physical Exercises.

FIRST TERM.

Morals taught mainly as in preceding grade, by stories; but the moral judgment may now be called into more serious exercise to determine the right or wrong of actions with some of the simple reasons for such judgments.

Object Lessons, should now begin to be addressed somewhat to the judgment, leading the pupils to compare and classify as well as observe, and should assume a more systematic form, so as to introduce the sciences afterward to be studied.

Colors, the composition of colors may be continued, and tinges be learned and classified.

Forms before learned may be reviewed, and compared.

Natural Features of land and water may also be observed and the elements of geography be learned. The diameters, axis, poles, circumference, revolutions, zones, &c., of a sphere may be made familiar.

Animals. The animal and vegetable kingdoms may now be more regularly studied as far as specimens can be obtained, or good pictures. Quadrupeds, bipeds, grass eating, flesh eating and cud chewing animals observed and classified by some of the more obvious features.

Plants. The forms and classes of leaves, and the parts of flowers.

Size and Weights, continued through several of the measures and tables. The tables learned in primary grade may be reviewed and completed and others added.

Reading.—Webb's Second Reader to page 100. It is in connection with the reading lessons that the peculiar work of the intermediate grade—the work of *learning how to get lessons*—begins. The first step will be to secure the careful attention of the pupils to the meaning

of their lessons, by questioning them on the sense. This should be kept up from day to day till the pupils acquire the habit of reading attentively, and become able to close their books, and immediately give the substance, first of a single sentence, then of a paragraph, and finally of a page or entire lesson. The inflections and emphasis should be carefully studied to bring out the true sense of the lesson.

Spelling. Oral spelling by sounds; lists of words made by pupils; printing on slates and blackboards the reading lessons, &c.

Arithmetic. In addition to the oral exercises and drills continued from the primary grade and the completion of the multiplication table, Stoddard's Mental Arithmetic may be begun, the pupils being allowed for this term to read the example and solve it with the book open. Since some operation is to be based upon the statements read, the pupil reads with intention to get the sense, and thus mental arithmetic is a valuable study and practice in the art of lesson learning from books.

Drawing, of leaf forms from actual leaves, with the names of the leaves and their parts. Drawing of plans of school grounds, roads, village, &c., to a scale.

Singing school songs, and on the notes of the scale.

Physical Exercises, hourly.

FIRST YEAR—SECOND TERM.

Morals as before. The duties and virtues may also be defined and illustrated in a somewhat regular order.

Object Lessons. Forms, solids, cylinders and cone.

Animals. Birds and their classes, as perchers, climbers, scratchers, waders, swimmers—their most obvious characteristics given.

Plants. Leaves and flowers continued, and some of the orders noticed.

Arithmetic. Mental arithmetic, the pupils being required now to give full and accurate solutions without the book. Oral drills continued, and the writing of numbers on the black-board begun.

Reading. Webb's Second Reader completed; with occasional reading from other books or newspapers, one of the class reading and the others listening, as a drill in the art, gathering the thought from the language alone. Pupils should be encouraged to read books from the District Libraries, and to tell what they have read.

Spelling, continued from first term. The consonant elements learned in order and thoroughly practiced.

Drawing and Penmanship. Drawing of leaf and animal forms, and of maps of grounds, fields, books, &c., to a scale. Writing script character takes the place of printing on slates and blackboards.

Singing and Physical Exercises continued.

SECOND YEAR.

STUDIES—Same as in preceding year.

FIRST TERM.

Moral Lessons, daily. Duties and virtues, conscience exercised in moral judgments of acts and characters.

Object Lessons.—Colors, forms, parts, properties and uses of common objects continued, to keep in review the knowledge and language already gained.

Animals.—The mammals and some of their classes. The parts of the human form may be more closely examined, and their uses noticed.

Plants, roots and stems, and their classes. Common fruits.

Mental Arithmetic continued with oral drills, and slate and black-board exercises in writing and adding numbers, and signs of operations.

Reading.—Webb's third, or Sanders' or Watson's second reader; the lessons carefully

studied at their seats, and the sense thoroughly criticised in class. Reading of library and other books, and pupils required to refer to books for information upon topics discussed. The aim should be now to learn them to use books as sources of knowledge, and to read understandingly and with close attention.

Spelling, oral, phonetic and written. Lists of words continued, and correct pronunciation secured.

Drawing, Writing, Singing and Physical Exercises.

SECOND YEAR.—SECOND TERM.

Moral Lessons continued.

Object Lessons.—Parts of the human body, their structure and uses. Pictures may be given of skeleton and internal organs. The manufacture of shoes, hats, tables, and of bread, pies, &c., and the operations of agriculture explained. Plants and animals continued.

Geography, taught orally with outline maps.

Mental Arithmetic, and slate and black-board exercises in adding and subtracting.

Reading.—Second Reader completed. Exercises as in first term.

Spelling, Drawing and Writing, as in previous term.

THIRD YEAR.

STUDIES.—*Moral Lessons, Object Lessons, Reading, Spelling, Geography, Physiology, Mental Arithmetic, Composition, Drawing, Writing, &c.*

FIRST TERM.

Object Lessons.—Continue the study of plants and animals, air, winds, rain, snow and manufactured articles. The pupils, it should be remembered, are to observe and tell what they have observed rather than to learn what the teacher knows. Knowledge lying much beyond their power of observation or discovery is of but little use to them yet.

Reading.—Third Reader, first half, library books and papers.

Spelling by lists of names, made by pupils, and by dictation exercises, short sentences dictated by teacher and written by pupils.

Geography.

Physiology.—Hooker's First Book in Physiology.

The pupils, having been prepared by the object lessons which have given the elementary notions and much of the language of these branches, may now profitably begin their study in text books. At the outset the lessons should be first read in the class, and the pupils having learned the sense of the new words used and got some clear idea of the lesson, may perfect the study at their seats.

Mental Arithmetic continued, and black-board and slate exercises in notation, addition, subtraction and multiplication.

Composition.—Pupils may now begin to write on their slates little compositions on the objects used in their object lessons.

Drawing, of maps from the geography, &c.

Writing, on slates and black-board.

THIRD YEAR.—SECOND TERM.

The studies of the first term are continued through the second.

Throughout this grade the teacher should read daily, to the pupils, for fifteen or twenty minutes at least, from such books as the Rollo Books, asking the pupils questions, and giving familiar explanations, when needed.

GRAMMAR SCHOOL GRADE.

TIME, THREE YEARS.—FIRST YEAR.

STUDIES.—*Morals, Reading, Orthography, Arithmetic, Geography, Drawing and Penmanship, History, Object Lessons and Composition, Physical Exercises.*

FIRST TERM.

Morals taught as in preceding year. The pupils should be admonished to apply the truths learned to the test, and improvement of their own characters and conduct.

Reading.—The Fourth Reader, first half; the sense closely examined, and the elements of elocution learned and applied.

Spelling lessons made up by pupils, names of objects of the same class, of parts of some object, given of qualities of actions, &c., each lesson continued till the pupils can find no more words under that class. The lessons, when spelled and corrected, to be written in a blank book provided for that purpose.

Practical Arithmetic through four ground rules and reduction. Mental Arithmetic continued, occupying a portion of each recitation, or in alternate lessons.

Geography of North America, and United States. Map drawing is to be continued till Geography is finished.

History of United States to Revolution. Studied with a constant reference to maps, and a chronological table to be made by pupils.

Object lessons, one each day, and a composition written thereon daily through the year. The ability to write correctly is so important an acquisition, that composition ought to be taught by daily exercises in it.

Writing with a pen, daily through the year. Singing or exercise hourly.

2d Term.—Fourth Reader completed. Spelling continued. Practical Arithmetic, to multiplication of vulgar fractions, with a short exercise in mental arithmetic at each recitation.

Geography of United States completed, with maps drawn by pupils.

History of United States completed; its geography mastered and complete tables made of the chronology.

SECOND YEAR.

1st Term.—Reading, Spelling and Writing daily.

Practical Arithmetic through decimal fractions.

Geography of South America and Europe.

Grammar; Sill's Synthesis.

Object lessons and composition.

2d Term.—Practical Arithmetic completed and reviewed.

Geography of Asia and Africa.

Grammar.—Sill's Synthesis completed.

THIRD YEAR.

1st Term.—Reading, Spelling and Analysis of Words. The spelling lessons to be made of words of common suffix or prefix, or formed from common root.

Elementary Algebra.

Book-keeping or Latin.

Analysis of English Sentence—Welch's or Green's.

2d Term.—Algebra.

Book-keeping or Latin.

Analysis of English Sentence.

HIGH SCHOOL GRADE.

TIME, THREE YEARS.

The course of high school studies will be more or less extensive, according to the number of pupils in the district, and its ability to maintain a corps of teachers. Without attempting to mark out a course of studies, I will only indicate what those studies may be: Algebra, Geometry, Natural Philosophy, Rhetoric, Natural History, Botany, Geology, Chemistry, Moral and Mental Philosophy, Ancient and Modern Languages, and Universal History.

Those pupils who are preparing for College should be permitted to begin Latin in the Grammar school.

It will be found that some pupils will, especially in the primary grade, do two years' work in one. These must be passed to the next grade as soon as they are fully prepared. Others will need to be retained in the grade a year or more, longer than the time indicated.

SCHOOL ARCHITECTURE.

The following designs and plans for school-houses have been prepared in accordance with a concurrent resolution of the two Houses of the State Legislature, passed in 1868, reading as follows:

Resolved, That the Superintendent of Public Instruction be requested to prepare plans and specifications for school-houses, adapted to the wants of the school districts of this State, and publish the same in his next Annual Report, or in the next published edition of the school laws.

Designs Nos. 1, 2, 4 and 5 have been prepared especially for this work. Design No. 3 is borrowed by consent of the publishers, from the work entitled "Country School-Houses," by James Johonnot, New York, Ivison & Phinney.

For larger sized Union Schools, several plans of existing school-houses are given.

A convenient school-house is one of the requisites to a successful school. A poor and ill contrived school building discourages effort, hinders the school labors, lessens the love of learning, degrades education in the public esteem, and in all its influences stands as a perpetual obstacle to all progress of education in its vicinity. On the contrary, a tasteful, elegant and well arranged school-house is a perpetual stimulant of educational spirit and enterprise. Attracting pupils by its beauty, it inspires their respect for the learning of which it is the fitting home, and by its convenience aids the labors of both teacher and scholars.

It is one of the surest signs of progress in our educational interests, that the school-houses are steadily improving; that in place of the old buildings, small and inconvenient, there are

springing up large, costly, and beautiful school-houses, at once ornaments and blessings to the communities by whose wise public liberality they were erected.

It is to be regretted that, in some instances, after a large outlay of money and labor, in the erection of a fine edifice of good external appearance, serious defects are found in the plan as it relates to the school work. The district finds itself in possession of a beautiful piece of architecture, but with a very poor school-house. A better appreciation of the real and essential conditions of a good school-house will, in time, lead to an avoidance of these expensive mistakes. With the growth of educational science and art, and with the attainment of clearer views of the true processes and proper methods of instruction, will come an improved school architecture which will furnish to true and well ordered schools, suitable and convenient school-houses.

CHARACTERISTICS OF A GOOD SCHOOL-HOUSE.

The essential characteristics of a good school-house are 1st, a sufficient amount of space to accommodate the school and its classes; 2nd, a convenient distribution of room in halls and school rooms to allow free movement of the classes and of the entire school, without crowding or confusion; 3d, an arrangement of lights such as will throw an equal and sufficient illumination throughout the rooms; and 4th, adequate provisions for warming and ventilating the rooms. To these may be added as desirable features, ample and pleasant school grounds, good walks and out-houses, and a fine architecture.

SCHOOL-HOUSE SITES.

Sites for school-houses are usually selected with reference to the convenience of the pupils who are to be sent to school. A central location is preferred above all others. But there is one consideration that should precede even this of convenience; that is *the health of the children*. A house built on low and wet ground will have continually arising from the soil beneath and around it unwholesome exhalations which, mingling constantly

with the air in the school, will seriously affect every child of delicate organization, and in the course of years destroy life itself. The school-house should be build on a high and dry piece of ground, well drained if not gravel. Even the vicinity of a malarious swamp or low ground is to be avoided, as we would avoid the presence of a slow but fatal poison in the air. A gravel knoll is also desirable, since it affords a dry approach to the school-house, and prevents the carrying of so much mud and filth into the school room.

The school grounds should ordinarily embrace an acre in extent, even in the country, so as to allow the house to be set well back from the dusty road, and to furnish play grounds within the fences. A convenient form for school grounds will be found to be an area or 10 rods front by 16 rods deep, with the school-house set back six rods from the road. The grounds should be strongly fenced, the yards in the rear of the school-house being invariably separated by a high and tight board fence, the front grounds being planted with ornamental and shade trees. For a small school, an area of 8 rods front by 10 rods deep will be sufficient, the school-house being set back four rods from the front.

WARMING AND VENTILATION.

The builders of school-houses should give their chief attention to the provisions for warming and ventilating the rooms. These naturally go together, and neither can be best accomplished without the aid of the other. To warm a room, we need to supply hot air and get rid of cold air to ventilate; we need to supply fresh air and get rid of foul air; in both cases we need a provision to empty the room and to refill it, constantly, and if our fresh air can be made hot air, then the ventilation and warming become one.

Ventilation becomes easy as soon as it is known that it is embraced in these two essential operations, viz: 1st, to *supply fresh air*; 2d, to *expel foul air*. It is evident that fresh air cannot be crowded into a room unless the foul air is permitted to pass

freely out; and certainly the *foul air will not go out* without fresh air comes in to fill its place. It is useless to open ventilating flues, as I have seen in some of our school-houses, for the egress of bad air while there is no provision for drawing in a supply of fresh air. If the flues worked at all it would be simply to empty the room of all air—an impossibility.

When a building is warmed with furnaces which throw in constant streams of hot air, all that is needed for ventilation is foul air flues opening near the floor to carry off the cold and foul air which will be pressed downward by the hot air which rises at once to the top of the room.

But when stoves are used a special provision needs to be made for a supply of fresh air; for without such provision the stove will only slowly warm the air already in the room as it chances to come in contact, and the heated air, escaping by crevices, will be replaced by cold air through other crevices, and the room will necessarily be either poorly warmed or badly ventilated.

In the plans of school-houses given in this work, it is proposed to bring a large supply of fresh pure air from outside of the foundation walls by means of a large box tube running under the floor, and opening beneath the stove. It is recommended that the fresh air thus introduced, be confined for a little near the stove by a sheet iron screen fastened tightly to the floor around the stove and opening over the top, or that the air be passed through a hollow drum on the top of the stove. But better still, where it can be afforded, will be found Chilson's portable furnaces, or Rutton's air warmers. These are provided with flues to carry the cold air through the stove and send it out well heated.

A supply of fresh warm air being thus provided for, ventilating flues are provided to take the cold and bad air from near the floor and carry it off above the roof. In most of the plans, the ventilating flues are built in the chimney to give the benefit of the draft which will be created by the heat of the chimney.

LIGHTING.

Care has been taken in all the plans specially prepared for this book, to provide for lighting the rooms by windows in the rear and both sides of the school-rooms. No windows have been admitted far enough front to permit the light to fall in the faces of the children.

The windows should reach as near as practicable to the ceiling in order to throw their light well into the room. A northern light has been preferred by some as more equal, but it is desirable, when practicable, that the pupils shall sit facing the north, and the sunlight coming through southern windows is more cheerful and healthful. When too bright or warm it should be softened by curtains.

WALKS AND SCRAPERS.

Good plank walks from the front gates to the doors should never be wanting, and good iron scrapers, easily made by nailing a strip of band iron on the edge of the platform or door-steps, should be provided. The ground about school-houses gets trodden into mire in wet weather, and, without these walks and scrapers, the house is soon filled with mud, which drying into fine dust, soon fills the atmosphere and covers the desks and clothes.

DESIGN NO. 1.

COUNTRY SCHOOL-HOUSE.

This is the smallest sized school-house favored by the law, since it prohibits the expenditure of more than \$180 for any house of less size, but does not restrict the amount that may be expended upon this. See section 22.

The size is 24x30 feet on the ground, with a height of 10 feet between the floor and the ceiling. The accompanying figure exhibits the ground plan of school-room, and also of wood-shed and privies in the rear.

The school-room is 24x24 feet, and seated with double desks and seats for 36 pupils.

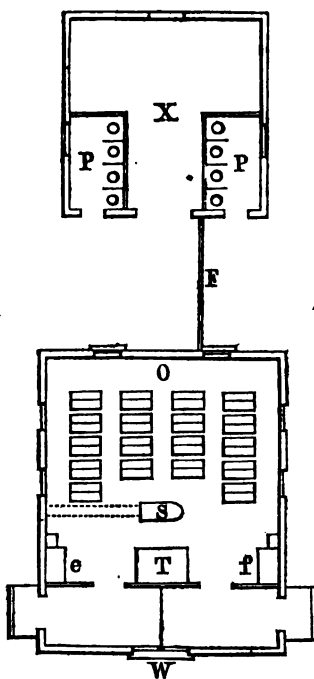
The entrance halls are 6x12 feet, lighted by a large double window, W, in front, half of the window being in each hall.

O. is a space 3 feet wide left in the rear of the seats for the standing of the classes. On the walls, in the rear, should be black-boards.

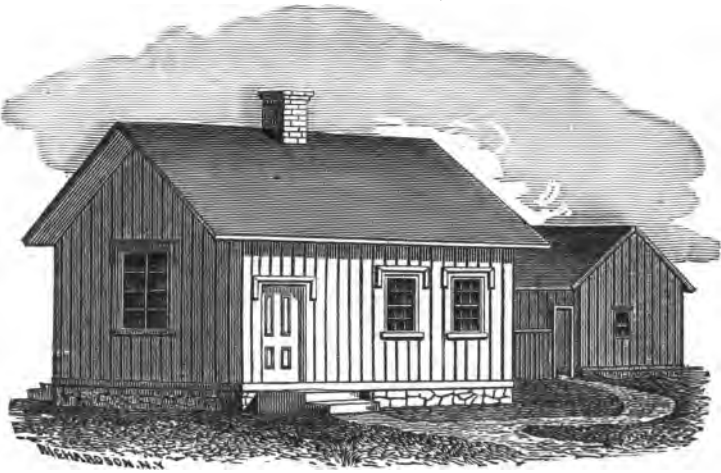
T. is the teacher's platform and table, behind which the wall should be covered with black-board.

S. represents the place of the stove, and the dotted lines running to the side of the room, represent the direction of the cold air tube leading beneath the floor.

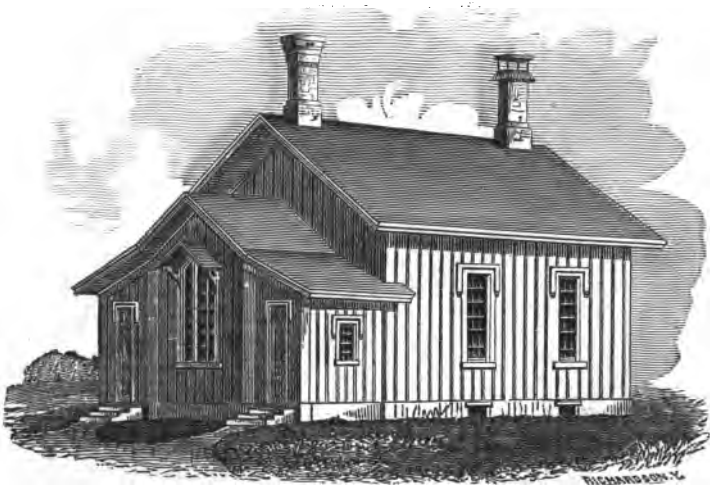
e. & f. represent strong cases built in the corners of the room, provided with locks, one for books and a library, and the other for maps and other apparatus belonging to the school. Adjoining these cases are shown the ventilating tubes, leading into a flue to the chimney, above the ceiling.



[Plan No. 1.]



DESIGN No. 1.—Country School House.



DESIGN No. 2.—Country School House.



is a high and tight board fence running from school-house to wood-shed.

The wood-shed, about 18x18 feet.

P. Privies constructed in the corners. In case of a small school these may be reduced to two seats each, and the wood-shed may be made only 10x18 feet.

DESKS AND SEATS.—The two outside rows of desks and seats, designed for the larger scholars, should be 3 feet 9 inches long, and occupy on the floor $2\frac{1}{2}$ feet from the front of one desk to the front of the next. The desks should be each 16 inches, and the seats each 12 inches wide. The desks and seats in the middle rows should not be more than 3 feet in length, and 2 1-6 feet from front to front. The desks should be 13 inches in width, and the seats 12 inches each. The highest seats may be 16 inches high, and the lowest only 12 inches. A portion of the seats may be intermediate between these heights. The height of the highest desks, on the side next the pupil, should be about 28 inches; that of the smallest desks, 21 inches.

AISLES AND PASSAGES.—The seats in this plan will allow of passages next the walls, and aisles between the rows of desks, of 2 feet each.

BILL OF MATERIAL FOR DESIGN NO. 1.

	Feet.
Two sills 30 feet long, 6 by 8,	240
Three sills 24 feet long, 6 by 8,	288
Thirty six joists 15 feet long, 2 by 10,	900
Twenty-five joists 24 feet long, 2 by 6,	600
Thirty six rafters 18 feet long, 2 by 6,	648
Four posts 12 feet long, 2 by 6,	144
Twenty-four window posts 12 feet long, 4 by 4,	864
Ninety studs 12 feet long, 2 by 4,	720
Four plates 30 feet long, 2 by 6 spiked down,	120
	<hr/> 4,004

1000 ft. $1\frac{1}{2}$ inch ash flooring; 900 feet parallel boards, 12 feet long, inch thick; 900 feet parallel boards 16 feet long, inch thick; 108 pieces batten, 1 by $2\frac{1}{4}$ inches; 1200 feet common inch boards; 1000 feet 2 inch 2d clear; 1000 feet 2 inch 2d clear plank; 500 feet $1\frac{1}{2}$ inch 2d clear plank; 12 M shingles.

FRAME FOR PRIVIES.

	Feet.
Three sills 16 feet long, 6 by 6,	144
Two sills 6 feet long, 6 by 6,	36
Two sills 4 feet long, 6 by 6,	24

Four posts 8 feet long, 5 by 5,.....	61
Two plates 16 feet long, 8 by 5,.....	48
Twenty-four studs, 8 feet long, 2 by 4,.....	128
Six floor joists 10 feet long, 2 by 6,.....	60
Eighteen rafters, 11 feet long, 2 by 4,.....	132
	621

56 feet flooring, $1\frac{1}{2}$ in. thick; 400 ft. roof boards; 400 ft. parallel boards, 8 ft. long; 250 ft. parallel boards, 12 feet long; 40 pieces battens, 1 by 8 inches, 8 feet long; 50 feet $1\frac{1}{2}$ 2d clear.

200 lbs. 10 penny nails; 100 lbs. 8 penny nails; 50 lbs. 20 penny nails; 60 lbs. 4 penny nails; 2 boxes glass, 9x15; 6 pr. butts. 4 by 8; 6 doz. $1\frac{1}{2}$ inch screws; 6 doz. $\frac{3}{4}$ inch screws $1\frac{1}{2}$ gross $\frac{1}{4}$ screws; 2 5 inch mortice locks; 2 white mineral knobs; 2 door-latches; $\frac{1}{2}$ gross clothes hooks.

66 perch stone, 700 brick; 225 yds. plastering; 300 lbs. white lead; 12 gallons oil.

N. B.—Prices of material and labor vary so greatly that it is impossible to give an accurate estimate of the cost of this design. The cost in ordinary times would not probably exceed \$350 for the main building and \$50 to \$75 for wood house.

SPECIFICATIONS FOR DESIGN NO. 1.

FOUNDATIONS.—The foundation walls are all to be built of good wall stone, well laid in good lime and sand mortar. Trenches are to be dug, and the walls commenced below the action of the frost; all walls are to be $1\frac{1}{2}$ feet thick, and to show $1\frac{1}{2}$ feet above the grade, and the ground is to be properly graded around them. The walls are to be of same size as frame so that the sills shall be even with the outside of wall. An extra wall is to be built through center for the joists to rest on.

FRAME.—The frame is to be well made of the size described in the contract, and with partitions as shown in plan, and of good, straight, sound timber of the sizes described in the bill of materials accompanying. The sills are to be bedded in mortar, when placed upon the walls. All timbers designed for lath shall be placed 16 inches from center to center; the floor joists 16 inches from center to center; the rafters not more than 2 feet from center to center, and the timbers and girts for receiving the siding not more than 4 feet from center to center. All the corners of the building to be well braced. The ceiling joists are to be supported in the center by stay laths attached to rafters.

All lumber to be used in the building is to be sound, of good quality, and thoroughly seasoned.

SHINGLES.—The frame is to be covered with pine boards, 1 inch thick, not exceeding 1 foot in width, planed and matched. Each joint and the corners of the building are to be battened with battens $2\frac{1}{2}$ inches in width and 1 inch thick, dressed with beveled edges, and nailed to the sills, plates and each girt.

ROOFS.—The roofs are all to be boarded with sound pine or whitewood boards, laid with close joints and well nailed. They are to be shingled with good sound pine shingles, laid in courses $5\frac{1}{2}$ inches to the weather, or in the same proportion if the shingles are more than 18 inches in length; the ridges to be finished with saddle boards 6 inches wide, well nailed on, and the roof to project over the walls, at the ends and eaves, 2 feet, the under side of the projecting parts to be covered with plank, matched and planed and let into the rafters; the edges to be finished with an Ogee moulding.

WINDOWS AND DOORS.—The windows and doors are to be made of good casings, with plain beveled mouldings on the inside, and with caps and pendants on the outside, as shown in the cut, Design No. 1. The doors to be good, strong panel doors, made of pine, $1\frac{1}{2}$ inches thick, with not less than 4 panels in each door. The outside doors to be 3 feet by 8 feet, and to be hung with 8 strong butts each and furnished with strong locks; the inside doors 2 feet 10 inches by 8 feet and hung with 8 butts each, and provided with good latches.

The windows of the school room to be six in number, placed as in Plan No. 1, to be 12

lights each of 9x15 glass, each sash to be movable, and to be provided with good fastenings. The front window to be a double or transom window of 16 lights, 9 by 15 in. glass, and placed as in plan. All windows to be well glazed with good glass and well puttied.

FLOORS.—The floors are all to be laid of good, sound, planed and matched flooring not over 8 inches in width, well blind-nailed, each plank to each joist.

CHIMNEYS.—The chimneys to be built of well burned brick with two flues, one for the smoke and one for the foul air. The smoke flue to receive the pipe 16 inches below the ceiling, and to be provided with an iron thimble; the foul air flue to receive the ventilating tubes above the ceiling, both flues to be smoothly plastered inside.

VENTILATION.—Two ventilating flues with a capacity of 10x12 inches, are to be built as shown in plan, one on each side of the room, made of plank, well matched and the joints made perfectly tight, being put together with white lead and well nailed, and firmly fixed in the walls before plastering; the two flues to unite in the garret and to enter the ventilating flue in the chimney with a tight joint; registers to be placed in each flue near the base and also near the ceiling.

CEILING.—The school room and entries are to be celled with good plaster. The school room to have good base boards 10 inches in width, well fitted to the floor, and the entries to be boarded up with matched boards to the height of four feet from the floor, and to be provided with two strips across the back end and side of each, with good wardrobe hooks 1 foot apart.

PLASTERING.—The plastering to be made of three coats of good mortar, made of new lime and clean sand and hair; to be even and level on the face, and in every respect put on in a workmanlike manner. The last coat to be of good hard finish.

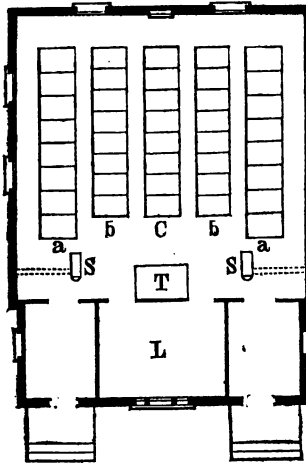
PAINTING.—The ceilings, base boards, wainscoting, windows, casings and doors, and all wood-work in school room and entries, except the floors, to be painted with three coats of pure white lead mixed with linseed oil; the outside of building to be painted in like manner with such shade of color as may be ordered.

DESIGN NO. II.

COUNTRY SCHOOL-HOUSE.

This house is intended for the larger district schools in which there is often occasion to employ an extra teacher in the winter, or to have extra classes taught by some advanced pupil.

The main building is 30 ft. by 30 ft. with 13 ft. from floor to ceiling. The front building containing entries &c., is 28 ft. by 10 ft., with 9 ft. high of ceiling. The arrangement is shown in the following ground plan No. 2.



Plan No. 2.

a. a. are rows of seats and desks for larger pupils, $3\frac{1}{2}$ ft. long and occupying each desk and seat $2\frac{1}{2}$ ft. from front to front.

b. b. are rows of smaller desks and seats, 3 ft. long and 2 ft. 2 in. from front to front.

c. a middle row of small desks and seats which may be removed in summer if not needed.

The space in rear of seats is 3 ft. wide for classes, and the side passages are $2\frac{1}{2}$ ft. each. The aisles are 2 ft. in width.

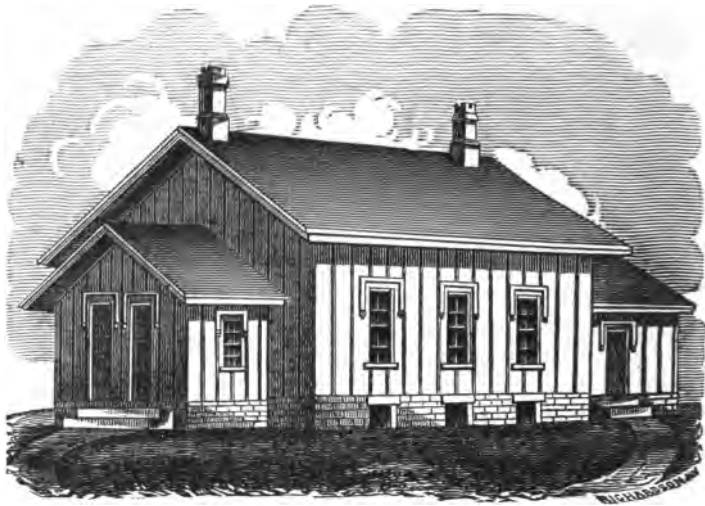
There is but one ventilating flue shown in the plan. It is situated in the middle of the rear wall of the building, and terminates in a ventilating chimney and cap on top of building as shown in design N o. II. It would perhaps be better to make

The main school room in 29 feet square, and is seated for 74 pupils.

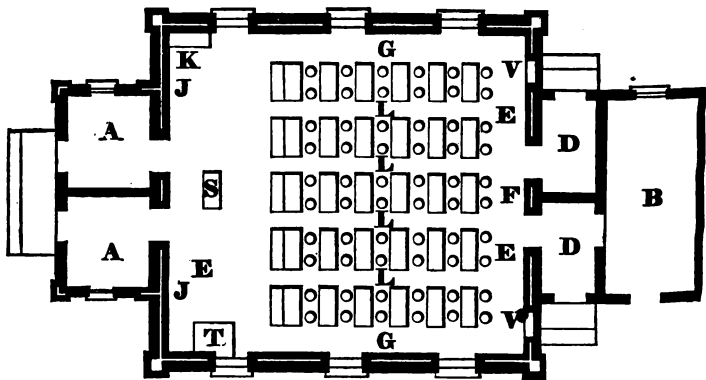
The two entrance halls are 10 ft. by $7\frac{1}{2}$ ft. each, and should be well provided with wardrobe hooks.

L. is a recitation room 10 ft. by 12 ft. and well lighted by a large mullioned window in front. It should be provided with shelves and cases on one side for library and apparatus.

S. S. are the stoves with cold air tubes running beneath the floor, as explained in design No. 1.



DESIGN No. 3.—Country School House.



PLAN No. 3.

- A A—Double Porch, 18x18 ft.
 B—Wood room, 18x18 ft.
 D D—Back Entry Ways, each 9x6 ft.
 E—Space in front of Desks, 10 ft. wide.
 F—Space in rear of Desks, 8 ft. wide.
 G G—Aisles, 2½ feet wide.
 L L—Aisles, 1½ feet wide. Desks, 8½ ft. long.
 J J—Blackboards. K—Book Case.
 S—Stove. T—Table.
 V V—Ventilators.

two, one in each rear corner of the room and both uniting in the central flue above the ceiling. The black-boards should cover all the spaces in the front part of the room back to the first windows.

This will be found both an economical and convenient style of building for the larger rural districts. Its cost in ordinary times will not exceed \$750 or \$850.

BILL OF MATERIAL FOR DESIGN NO. 2.

DESCRIPTION.	FEET.
Three sills 40 feet long 6 by 8 inches,.....	480
Two sills 30 feet long 6 by 8 inches,.....	240
Four posts 14 feet long 6 by 6 inches,.....	126
Twenty window posts 14 feet long 4 by 4 inches,.....	376
One hundred studs 14 feet long 2 by four inches,.....	983
Sixty joists 16 feet long, 2 by 10 inches,.....	1,600
Thirty ceiling joists 30 feet long 2 by 6 inches,.....	900
Forty rafters 20 feet long 2 by 6 inches,.....	800
Twenty collar beams 18 feet long 1½ by 6 inches,....	270
	<u>5,725</u>

1800 common inch boards; 2200 parallel boards 12 inches wide, 14 feet long; 150 pieces battens 1 by 8 inches 14 feet long; 1000 feet 2d clear 2 inch plank; 600 feet 2d clear 1½ inch plank; 1200 feet 2d clear 1 inch boards; 13 M shingles.

200 pounds 10 penny nails; 200 pounds 8 penny nails; 75 pounds 20 penny nails; 70 pounds 4 penny nails; 50 pounds 6 penny casing nails.

Two boxes 10 by 16 glass.

Nine pair butts 4 by 4 inch; 1 gross 1½ inch screws; 1 gross ¾ inch screws; 2 mortice locks 5 inch; 2 white mineral knobs; 4 door latches.

Sixteen gallons linseed oil; 400 pounds white lead.

Fifty perch stone for foundation; 15 yards excavating; 1400 brick for chimneys; 375 yards plastering.

N. B.—The specifications for design No. 2 are so nearly like those of design No. 1 as ready given, that it is not necessary to repeat them here.

DESIGN NO. III.

COUNTRY SCHOOL-HOUSE.

This design is borrowed by permission of the publishers from the work entitled *Country School Houses*, by James Johonot, Ivison & Phinney, New York. The size of the main building is 33 ft. by 30 ft.; the rear building is 18 ft. by 14 ft. It is seated for sixty pupils, but will easily accommodate seventy by adding more desks in front. The total estimated cost of this building, with the necessary out-buildings, was \$748 83.

The peculiarity of this plan is the rear entrances, and the wood-shed attached to the main building. The lighting of it is somewhat objectionable, in having windows in front of the seats. The mode of building is precisely similar to that in Design No. II.

DESIGN NO. IV.*

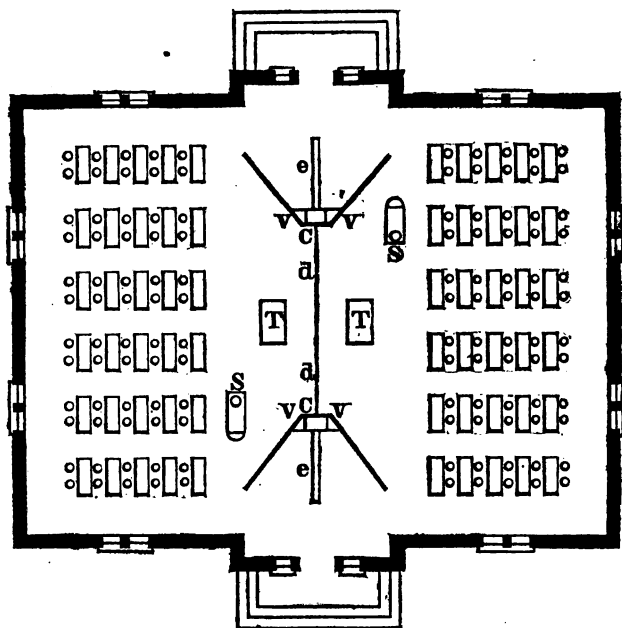
WARD SCHOOL-HOUSE.

This building is intended for a ward school in which a primary and intermediate grade is to be provided for. It will also answer for a small union school in which but two teachers are employed, and in which therefore only two grades or departments can be established. The building is a brick, of tasteful style of architecture but of very plain structure. It admits of considerable ornamentation by pilasters, cornices, brackets, &c., when desired. It affords two excellent school-rooms, well lighted and ventilated, and connected with folding doors, allowing the two departments to unite in general exercises. There are two entrances, on opposite sides of the building, one for the boys and the other for the girls, and by a somewhat novel arrangement a sort of double hall is afforded each side, without the expense of wings. The entire building is 36 ft. by 52, making each school-room 34 by 25 ft., with ceiling 13 feet from the floor. Each room is seated, as will be seen in the annexed plan, for sixty pupils:

*For the specifications and bills of materials for designs 4 and 5, I am indebted to Mr. P. Marshall, a master builder of Ann Arbor, who has had a large experience in erecting school-houses.



1. Design No. 4.—Ward School House.



Plan No. 4.

d, d, Sliding doors, sliding into the double partitions, e. e., partly dividing each hall.

C, C, Chimneys coming 2 feet below ceiling and allowing sliding doors to pass beneath them.

S, S, Stoves.

V, V, Ventilating flues coming down to the floor and opening above ceiling in ventilating flues in chimneys.

T, T, Teachers' tables.

If the desks are made $3\frac{1}{2}$ feet long the middle aisles may be 21 inches each and the side aisles 2 feet. But for primary pupils it is better to make the desks only 3 feet long, and add the extra room thus saved, to the aisles. The immense increase of cost of labor and materials, and the uncertainty of the present prices, renders it nearly useless to present any estimate of the cost of this building. In ordinary times it could be erected for about \$1,200.

BILL OF MATERIAL FOR DESIGN NO. 4.

90 joists 18 ft. long, 2 by 12 inches; 60 joists 18 ft. long, 2 by 8 inches; 30 joists 16 ft. long, 2 by 8 inches; 64 rafters 20 ft. long, 2 by 6 inches; 30 collar beams 18 ft. long, 1½ by 6 inches; 4 wall plates 28 ft. long, 8 by 12 inches; 56 studs 14 ft. long, 2 by 4 inches; 16 pieces lintels 16 ft. long, 4 by 4 inches; beams 36 ft. long, 8 by 10 inches; 2 sills 26 ft. long, 10 by 12 inches; 4 truss braces 20 ft. long, 4 by 8 inches; 2,000 ft. 1¼ inch white ash flooring; 2,500 ft. inch board, 2d clear; 200 ft. 1½ inch plank, 2d clear; 500 ft. 1½ inch plank, 2d clear; 1,000 ft. 2 inch plank, 2d clear; 2,800 ft. inch common boards; 18,000 shingles; 100 pounds 20-penny nails; 200 pounds 10-penny nails; 100 pounds 4-penny nails; 50 pounds 8-penny nails, casing; 50 pounds 10-penny nails, casing; 4 boxes glass, 10 by 20; 6 five inch mortice locks; 6 white mineral knobs; 1 gross 1½ inch screws; 1 gross 1 inch screws; 1 gross ¾ inch screws; 2½ doz. pulleys; 2 gross hooks; 9 pair butts, 4 by 4 inches; 57,000 brick; 80 perch stone; 250 bushels lime; 350 yds. plastering; 15 galls. linseed oil; 300 lbs. white lead.

SPECIFICATION FOR DESIGN NO. 4.

SIZE OF BUILDING.—Entire building 36 ft. by 52, measuring outside, one story in height, 13 ft. in the clear. Building is divided into two school-rooms, connected by sliding doors. There are two opposite entrances and halls, each 16 ft. wide, projecting 2 ft. from main building, and forming an angle within, as shown on plans.

FOUNDATIONS.—All foundations to extend below the action of the frost, and 2¼ feet above the common grade. All foundations are to be 20 inches thick, laid with good stone, in good stone mortar, made of good lime and clean sand.

Trenches are to be dug, and the stone that are laid in them, are to be groated with water lime.

BRICK-WORK.—Walls are to be of brick, one foot thick, to extend from the underside of floor joist to upperside of ceiling joist, water-table and window-cap to be of brick. All walls to be laid with best quality of brick, in good mortar, made of good stone lime and clean sand.

JOISTS.—The floor joists must be 2 by 12 inches, in two tiers, and double tenon into a timber 10 by 12 inches, passing through the length of building in the center. Each tier of joist is to be supported by a tier of herring bone bridging through the center. Ceiling joist must be in three tier, tenon into two truss beams passing crosswise of building.

Size of joists, 2 by 8 inches; beams, 8 by 10. All joists placed 16 inches from center to center.

RAFTERS.—Rafters will be 2 by 6 inches, placed 2 feet from center to center. Partitions will be of 2 by 6 scantling, placed 1 foot from center.

ROOF.—Roof is to be of the style shown on plans properly secured, sheathed over with good common boards laid even, and shingled with best quality of 18 inch shingles.

CORNICE.—The cornice is to be plain and of the style shown on plan. Belfry is to be of the style shown on plan.

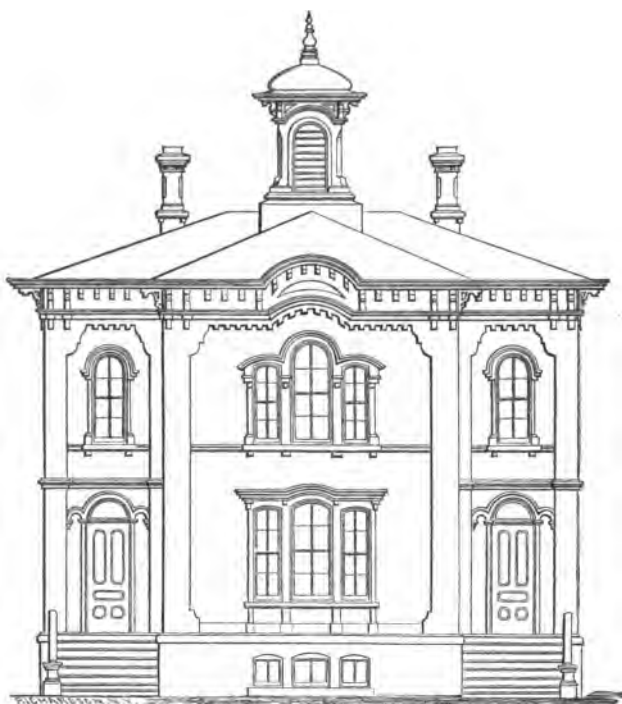
WINDOWS.—Windows to be made with mullion frames, 16 lights, 10 by 20 inch glass. Sash 1½ inches thick, doubly hung with axle pulleys and cast iron weights.

DOORS.—Outside doors are to be constructed with side and head lights, to light entrances. All doors will be 1½ inches thick, and four pannels. Sliding doors will be made to correspond with other doors.

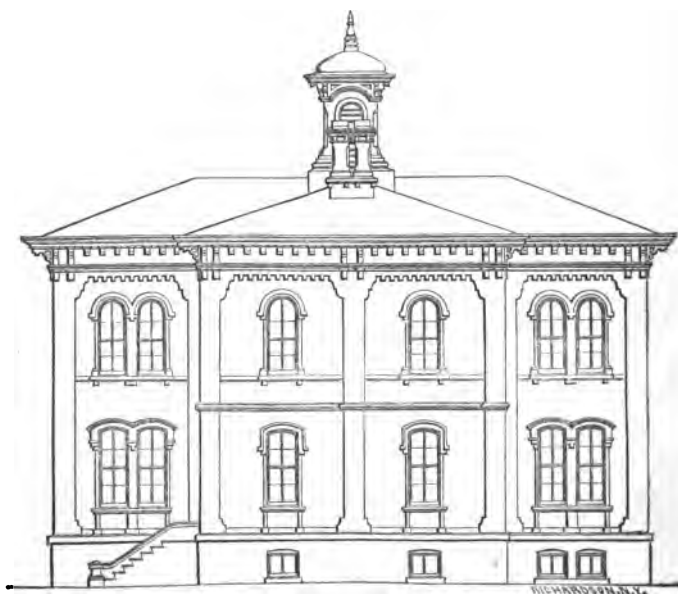
Opening for sliding doors will be 15 feet wide and 10 feet high. Outside doors will be 3 feet 6 inches wide by 8 feet 6 inches high. Other doors will be 3 feet wide and 8 feet 6 inches high.

FLOOR.—Floor will be laid with good 1¼ inch white ash flooring, matched and tongued, and blind nailed to each joist.

CASINGS.—All doors and windows to be cased with seven inch casings, with quarter round moulding on the inside edge. Base is to be 11 inches high, beveled ½ an inch on the edge.



DESIGN No. 5.—Front Elevation.



DESIGN No. 5.—Side Elevation.



There will be three tiers of wall strip, 3 inches wide, in the entrances, to receive wardrobe hooks.

Ceiling.—School-rooms and halls to be ceiled with good quality pine ceiling, not more than 6 inches wide, double beaded, matched and tongued, and blind nailed.

* **Chimneys.**—There are to be two chimneys placed as shown on plans, with flue of proper size to obtain good draft; there will also be an extra flue in each chimney for the passage of foul air. The chimneys are to extend at least 2 feet below ceiling, and be provided with iron thimbles for the reception of the stove-pipes.

Plastering.—Side walls to be plastered on the brick two coat-work. Last coat, float finish. Partitions to be lathed and plastered three coat-work; last coat, float finish.

Painting.—All inside casings, doors, base and ceilings to be painted three coats of white lead and linseed oil. All outside work to be painted three coats of the same, of such shade of color as may be desired.

Glazing.—Sash to be painted three coats white lead and linseed oil, and glazed with best quality of single thick American glass, properly bradded and puttied.

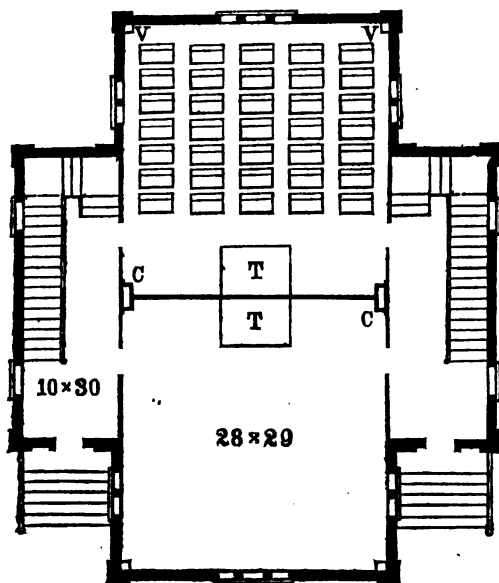
Ventilators.—There are to be two ventilators, 10 by 16 inches, leading under stoves. Also two foul air flues to communicate with ventilating flue in chimneys. These flues to begin at the floor and to be made perfectly tight, with a good register in each, close to the floor.

DESIGN NO. V.

UNION SCHOOL-HOUSE.

The front and side elevations of this design are given in the accompanying plate. It exhibits a building of great beauty in design and of equal convenience in plan. It is designed for the accommodation of about 280 pupils, but admits of enlargement to provide for a larger number. Several houses on this plan have been erected, or are now in process of erection in this State. It provides ample and convenient entrance halls for each sex, and all of the school-rooms are easily accessible from each of these halls. Each school-room is admirably lighted with rear and side lights, and the general distribution of room favors an easy and orderly movement of the entire school. By an enlargement of the halls in width, recitation rooms of considerable size may be secured on the upper floor for the Grammar and High School Departments, and an additional primary school-room is in some instances constructed in the basement story, which extends five or six feet above ground. A third story has, in one case, been added for a public hall. In a house on this plan, erected in Grass Lake, the two upper school-rooms are connected by sliding doors.

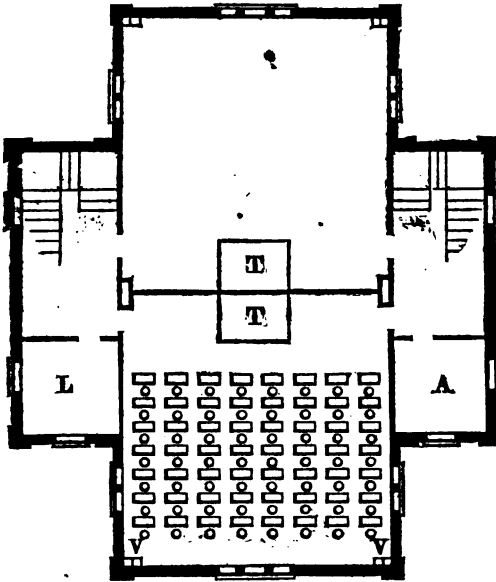
The following are the ground plans of the first and second floors:



Plan No. 5.—First Floor.

This floor is divided into two school-rooms of equal size, measuring 28 by 29 ft. clear. One of these rooms is designed for the primary and the other for the intermediate grade. The seating is shown for only the primary room; the other is to be seated in the same manner, but with

seats and desks a little higher. Each desk and seat will occupy, on the floor, a space of 3 feet by 2 feet and 3 inches, giving a space in rear end of the room of 3 feet in width, and 10 feet in front. The side aisles, next the walls, will be two and a half feet wide, and the middle aisles, 2 feet each. An extra desk may be added, if necessary, to each row, affording seats for 10 more pupils. These rooms should be amply provided with black-boards on all the vacant spaces on the wall, around the room. Wardrobe closets are to be made in the rear end of the halls, under the stairs, six feet wide. The positions of the ventilating flues and chimneys are marked by the letters V, V, and C, C. The rooms may be warmed either by furnaces or by stoves. In the specifications that follow, it is supposed that stoves will be used.



Plan No. 5.—Second Floor.

The *second floor* is divided like the *first*, into two school-rooms, one for the grammar school, and the other for the high school grade. The high school-room is shown, seated with single desks for 56 pupils. The grammar school may be seated with double desk and seats, and will easily accommodate 70 pupils.

L, represents a library room, 10 feet by 10 feet, cut off from the front end of hall, and A, a similar sized room for chemical and philosophical apparatus. These rooms may be used as recitation rooms.

T, T, represent the teachers platforms and tables.

Wardrobe hooks will be placed around the walls in the upper halls.

The Bill of Materials, and the Specifications for this Design, which follow, will enable any mechanic to readily compute the cost. The cost, in ordinary times, would not exceed \$6,000.

BILL OF MATERIAL FOR DESIGN NO. 5.

DESCRIPTION.	FEET.
One hundred joists, 16 ft. long 2 by 12,.....	3200
One hundred joists, 10 ft. long 2 by 12,.....	2400
Sixty joists 30 ft. long 2½ by 14,.....	5250
One hundred ceiling joists 16 ft. long 2 by 8,.....	2133
Sixty ceiling joists 10 ft. long 2 by 8,.....	800
One hundred and twenty rafters 22 ft. long 2 by 8,.....	3520
Fifty-six studs, 14 ft. long, 2 by 4,.....	525
Forty pieces for lintels 16 ft. long 4 by 4,.....	553
Two plates 30 ft. long 8 by 12,.....	F 180
Four plates 15 ft. long 8 by 12,.....	180

Eight plates 10 ft. long 8 by 12,.....	240
Eight hip rafters 28 ft. long 8 by 10,.....	560
Four valley rafters 24 ft. long 8 by 10,.....	240
Two pieces timber 30 ft. long 10 by 12,.....	600
Two beams 30 ft. long 8 by 10,.....	400
Six pieces for belfry 12 ft. long 7 by 8,.....	396
Four pieces for belfry 12 ft. long 7 by 7,.....	192
Four pieces for belfry 10 ft. long 6 by 8,.....	192
Two pieces for belfry 12 ft. long 6 by 8,.....	96
Two pieces for belfry 14 ft. long 4 by 6,.....	56
Four pieces for truss braces, 16 ft. long 5 by 8,.....	112
	<hr/> 22088

7,000 ft. 1½ inch flooring; 8,500 ft. ceiling (including for cornice); 8,000 ft. common boards for roof boards and deafening; 10,000 ft. 2d clear inch boards; 2,000 ft. 1½ inch plank 2d clear; 2,000 ft. 1½ inch plank 2d clear; 4,000 ft. 2 inch plank 2d clear; 25 m shingles.

Four boxes glass 14 by 22; 2 boxes glass 16 by 24; 1 box glass 10 by 18; 2 boxes glass 14 by 14; 1 box glass 10 by 14; 1 box glass 14 by 16.

200 pounds 30 penny nails; 200 pounds 8 penny casing nails; 100 pounds 10 penny casing nails; 500 pounds 10 penny common nails; 400 pounds 8 penny common nails; 150 pounds 4 penny common nails.

Sixteen 5 inch mortice locks; 16 white mineral door knobs; 24 pair butts 4 by 4 inch; 2 gross 1½ inch screws; 6 gross 1 inch screws; 3 gross ¾ inch screws; 1 gross ½ inch screws, 18 dozen axle pulleys; 8 gross clothes hooks.

216 perch stone; 185,000 brick; 600 bushels lime; 400 yards plastering; 455 yards excavating; 700 pounds white lead; 30 gallons linseed oil.

SPECIFICATIONS FOR DESIGN NO. 5.

GENERAL DIMENSIONS.—The building is to be two stories in height. The entire extent of center building is 30 feet by 60 feet from outside of pilasters. The wings enclosing stairs, halls and closets will each be 11 feet by 30 feet, measuring outside of pilasters. For divisions reference is to be had to plans.

HIGHT OF STORIES.—Height of first and second stories is to be 13 feet in the clear. Height of attic 4 feet 6 inches on the sides.

EXCAVATION.—The excavation will extend four feet below the common level with trenches for footing three feet wide and one foot deep below the level of basement. Ground properly graded around building.

MASONRY.—The basement story will be eight feet in the clear. All outside walls will be of stone laid in courses, blocked out and pointed on the outside above common grade. The walls will be two feet thick. There is to be a footing of stone three feet wide and one foot deep laid in trench under all outside walls, well grouted with water lime. All cross walls in basement will be of brick one foot thick, resting on stone footing, two feet wide, and one foot deep, well grouted with water lime.

All foundations will be laid with good stone suitable to lay in courses, not less than eight inches, all to be laid with good stone mortar, made of good lime and clean coarse sand.

COR STONE.—All door and window sills are to be of cut stone. The window sills are to be nine inches wide and five inches thick, length to extend outside of architraves around windows and doors. The door sills are to be seven inches thick, and to extend back through the thickness of walls, cut with proper drips and done in a workman like manner.

The window sills should be of lime stone, or of the Cleveland blue stone.

BRICK WORK.—All exterior and inside walls except the closet partitions from halls are to be of brick above stone foundations. All outside walls are to be one foot thick in clear of all projections. Inside partition walls are to be eight inches thick.

The pilasters and frieze project four inches from the face of walls. The belting above watertable and around windows and doors, project $1\frac{1}{2}$ inches from face of walls to be made as shown on plans. The caps of windows and doors are to be of brick and constructed of three rowlocks the 2d row to project one inch from face of belt, the 3d row to project two inches from the belt.

The belting courses, watertable and dentals in the brick work are to be made as shown on plans. The watertable is to be of brick, and should project $1\frac{1}{2}$ inches over stone work.

CHIMNEYS.—There are two stacks of chimneys topped out as shown on plans. Flues of sufficient size to give proper draft.

MATERIALS &c., FOR BRICKWORK.—All face walls are to be laid with selected hard brick of uniform color and the joints struck, the walls to be bound together, every sixth course laid blind headers. All necessary bond timbers, wall strips and lintels to be laid in wall between dry bricks. All walls are to be sufficiently anchored to the timbers.

MORTAR.—All stone and brick work to be laid with the best quality of mortar, made of good well burnt stone lime and clean sharp sand.

CARPENTER WORK.—JOISTS.—The joists in the main building run lengthwise in four tiers in the first floor, double tenon into a timber ten by twelve inches square, running across the center of each school room, and supported by two piers. Joists in halls in first and second stories to run crosswise or the shortest way. Size of joists in first floor and halls in second story, should be two by twelve inches and placed sixteen inches from center, supported by one tier of herring bone bridging through the center of each tier of joists three inches wide and one inch thick, nailed with four ten penny nails to each piece.

Joists in second story of main building to run crosswise whole length. Size $2\frac{1}{2}$ by 14 inches. Placed 14 and one half inches from centers, with two tiers of herring bone bridging, three inches wide and one inch thick and nailed with four ten penny nails to each piece.

Ceiling joists in 2d story to run lengthwise of the building in four tiers, supported in the centre of each school room by a truss beam, and morticed in. Size of beam 8 by 10 inches, of joists two by eight inches placed sixteen inches from centers, with one tier of herring bone bridging through the center of each tier of joists. Ceiling joists in the halls are to be of the same size and placed the same distance apart as those in the main building.

WALL PLATES.—Wall plates are to be three by twelve inches, well secured to the walls with anchors.

RAFTERS.—All rafters except hip and valley rafters are two by eight inches, placed two feet from centers. Hip and valley rafters must be three by ten inches. Timbers for belfry are seven by seven inches. Closet and stair partitions constructed of studding two by four inches placed one foot from centers.

OUTSIDE FINISH.—The cornice is to be constructed with good quality of pine lumber, well seasoned, as shown on plans, with brackets and modillions. Architrave band is made of wood.

BELFRY.—The cornice of belfry is constructed as shown on plans, and all other work on same is to be constructed according to plans.

FRONT STEPS.—The steps and platforms are to be constructed of good white ash or walnut lumber, $1\frac{1}{2}$ inches thick. To rest upon a good substantial frame, to be celled up on the sides with good 2d clear pine ceiling double beaded and planed on both sides, capped with a good rail with post or newel as shown on plans.

DOORS.—All doors are to be made $1\frac{1}{2}$ inches thick with five pannels raised and moulded on both sides. Outside doors are nine feet high and three feet four inches wide. Doors leading to school rooms are 8 feet 6 inches high and 3 feet 2 inches wide. Closet doors 8 feet 6 inches high and 2 feet 10 inches wide. All doors made of the best quality of well seasoned pine lumber. All doors hung with three pair of loose joint butts of suitable size, and secured with good morticed locks with white mineral knobs.

WINDOWS.—The windows are to correspond with elevation drawings. All sash are to be $1\frac{1}{2}$ inches thick. Double hung with axle pulleys and cast iron weights. All sash and frames to be constructed of good quality well seasoned pine lumber. Size of glass in center of triple arch windows 16 by 24 inches, the outside divisions of same 10 by 18 inches. All other windows above basement 14 by 22 inches. Basement windows four lights 14 by 14, except the windows in the center of ends, which are 14 by 16, and the side divisions of same 10 by 14.

SHINGLES AND ROOF BOARDS.—The roof is to be overlaid with the best quality of A No. 1, shaved or sawed shingles, 18 inches long and 7-16 inches thick, laid $5\frac{1}{2}$ inches to the weather, properly roof-boarded for the same with common inch boards, *pine or white wood*.

INSIDE FINISH.—Door and window casings are to be seven inches wide with quarter round moulding on the inside, and beveled band mouldings three inches wide and three quarters of an inch thick. All windows cased with square heads on the inside. Casings of good quality of pine lumber well seasoned. Base should be one foot high and beveled half an inch.

FLOORS.—All floors to be laid with good common $1\frac{1}{2}$ inch pine flooring planed and matched, free from sap and loose knots, and well seasoned.

CEILING.—The school rooms and halls are ceiled overhead with first quality of pine ceiling, well seasoned, matched and beaded.

DRAFTING.—All floors are to be deafened with a false floor covered with tan bark.

STAIRS.—There are to be two flights of stairs, one in each hall from first to second floor, each to be supported by three strong carriages. Width of stairs 3 feet 9 inches in the clear, steps made of $1\frac{1}{2}$ inch blackwalnut lumber. The risers to be of inch pine.

Rail is to be $4\frac{1}{2}$ inches wide and $2\frac{1}{2}$ inches thick. Made oval on top and moulded. The newels are eight inches square at the base with turned shaft and cap. Newels and rails to be made of black walnut.

The stairs are enclosed from the rails down to the underside of stringer with inch pine ceiling not more than five inches wide, planed and double beaded, both sides matched and tongued.

WALL STRIPS.—Two tier of strips to receive hooks are to be put up at the head of stairs and sides of wall between the doors, also in the closets.

VENTIDUCTS.—Each school room is to have two ventiducts 12 by 14 inches passing under floors and opening under stoves, and extending to the outer air through external walls. Registers to be placed in the base and near the ceiling in the four foul air flues that are to be constructed in the walls; extending through the roof to terminate in proper ventilating caps, not shown in plans.

PLASTERING.—All plastering on brick walls will be two coat work, the last coat to be float finish. Partition walls in halls and closets will be lath and plastered with three coats. Mortar to be made of good stone lime and clean sharp sand, well mixed in proper proportion with good hair.

• **BLACK BOARDS.**—There is to be a black board in each school room, four feet wide, extending across the room. To be hard finished, constructed with a border of wood and a shelf at the bottom.

PAINTING AND GLAZING.—Cornice, belfry and outside steps to be painted three good coats, white lead and linseed oil, and sanded to represent sandstone. All inside work, ceilings, door and window frames, to be painted with three coats of white lead and linseed oil of the best quality. Sash painted white on the inside, and of a light mahogany tint on the outside. All sash to be glazed with the best quality of American glass single thickness, well braded and puttied.

TIN WORK.—The dome of Belfry is to be covered with tin. The eavetrough is to be made of 20 inch double X tin and laid in behind the crown mould of cornice. The valleys are to be made of 14 inch tin and made so as to form a gutter. There are to be conductors four inches in diameter. All tin work is to be of best double X leaded tin, done in a workmanlike manner.



COLDWATER UNION SCHOOL.

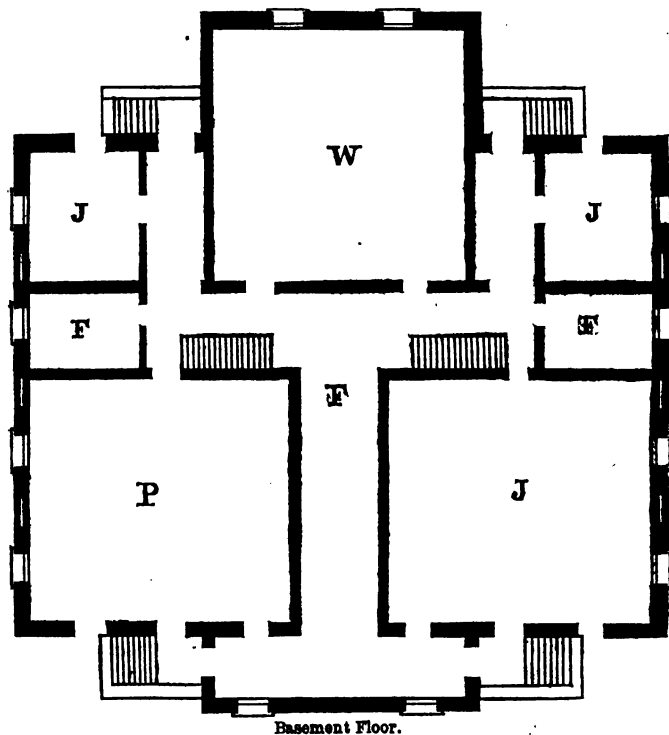
LARGE UNION SCHOOL-HOUSES.

Instead of preparing new plans of houses for the larger union schools, I have deemed it best to give the plans of several of the houses already built and in use. No district should build a school-house of this class without a careful comparison of plans and consultation with a competent architect. The theory of these large schools is by no means well settled as yet. In some, it is chosen to seat pupils of both sexes, if of the same grade, in the same room, while in others the boys and girls in the grammar and high school grades are seated in separate rooms, and meet only at recitations. It is, also, still a mooted question whether the pupils shall be all seated in two or three large school-rooms, and the assistant teachers occupy adjoining recitation rooms with the classes sent out of the large room to recite to them; or whether the entire school shall be distributed into moderate sized rooms, each teacher having charge of a limited number of pupils, of nearly the same grade, whom he or she chiefly or wholly instructs. Although the latter plan commands the approval of most of experienced educators, there are circumstances in which the former seems the more desirable. The adoption of the one or the other of these plans will necessarily modify the plans of building. The several plans here shown, possess each many excellencies, and will aid school boards in selecting plans adapted to their respective needs.

COLDWATER UNION SCHOOL-HOUSE.

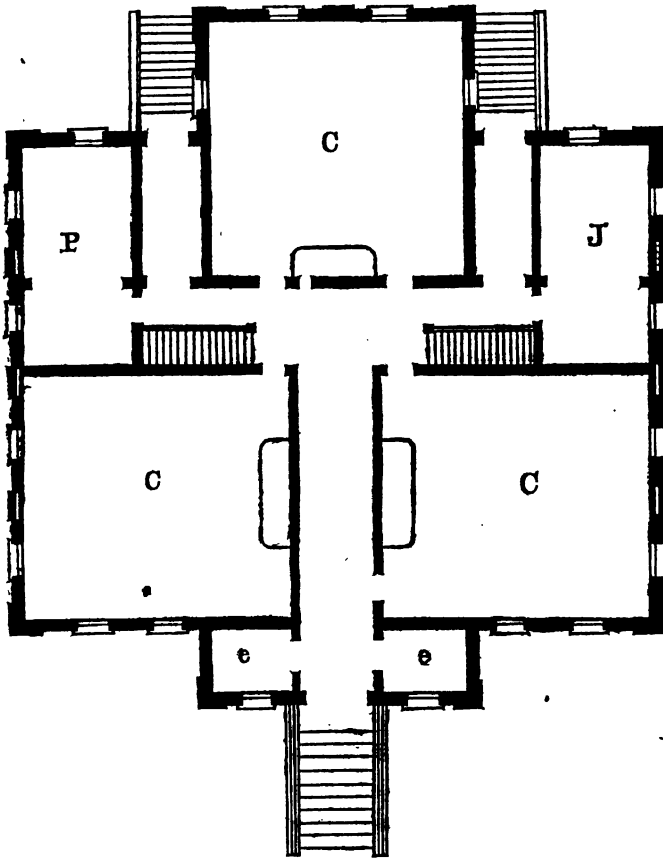
This is a very fine building, of tasteful architecture, and has been found eminently convenient in use. The cost was about \$20,000.

The following are the ground plans of the several floors:



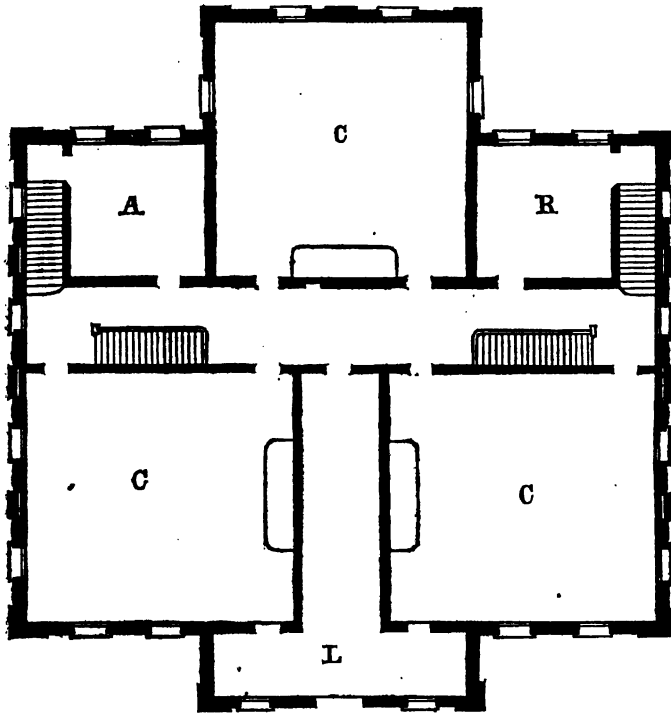
Basement Floor.

The basement is occupied by the furnaces, wood-room and janitor's rooms, with an extra apartment that may be fitted up and used as a play-room for the younger pupils in wet weather.



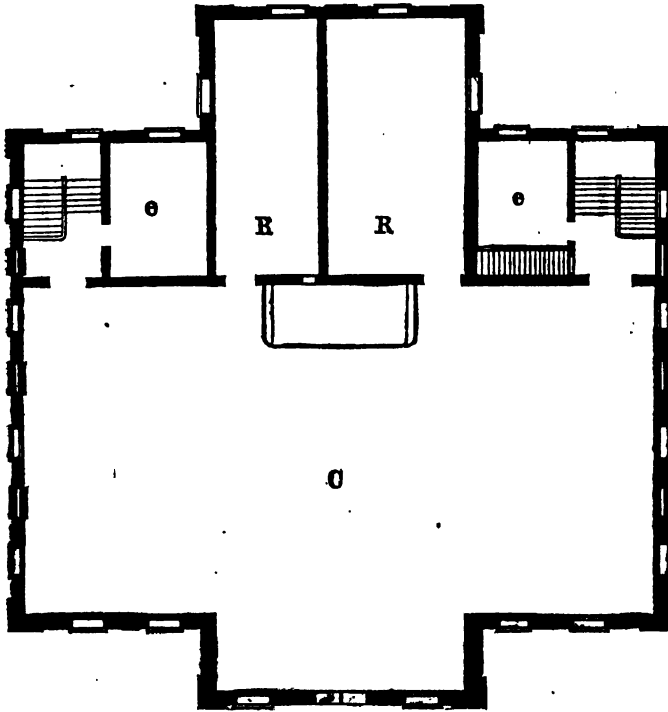
First Floor.

The first floor affords three school-rooms, marked C. C. C., for pupils of the lower grades. There is one front entrance for teachers and visitors, and two rear entrances, one for the boys and the other for the girls. The two smaller rooms, J. and P., are probably designed for wardrobes, and the small rooms, e. e., next the front entrance, for teachers or reception rooms, or wardrobes.



Second Floor.

The second floor also affords three school-rooms, for the accommodation of the intermediate and grammar school grades, with two smaller rooms, A. and R., which may be used as apparatus and recitation rooms. Room A. has been used as the Principal's room.



Third Floor.

The third floor is occupied mainly with a large school hall, used as a chapel and also as a school room for the high school, all the pupils of this grade being seated together. R. R. represent recitation rooms for the high school, and e. e. wardrobes.

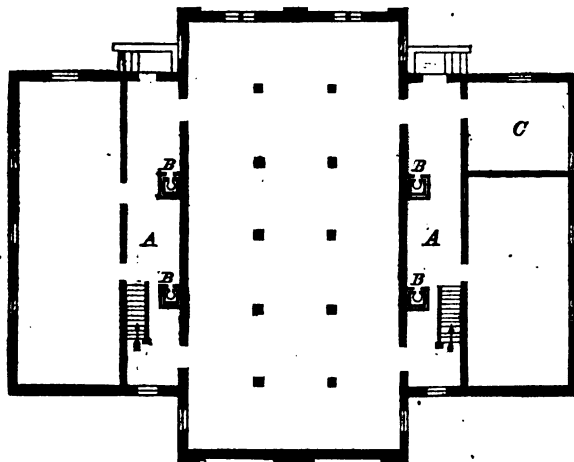
YPSILANTI UNION SCHOOL-HOUSE.

This is the largest and most costly union school building in the State. The plan is one that unites great excellencies with but few defects. A striking peculiarity is the chapel on the first floor. In most plans it is placed upon the third floor, where it is far less accessible and useful than in this building.

520 x 75

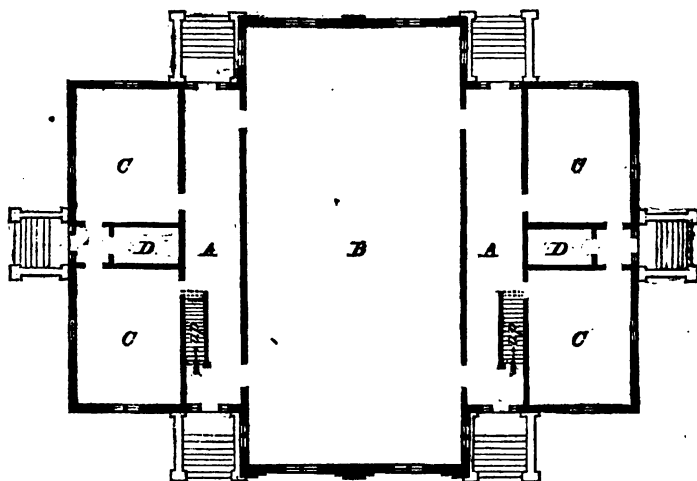
UNION PUBLIC SCHOOL, YPSILANTI, MICHIGAN.

Fig. 2.—PLAN OF BASEMENT.



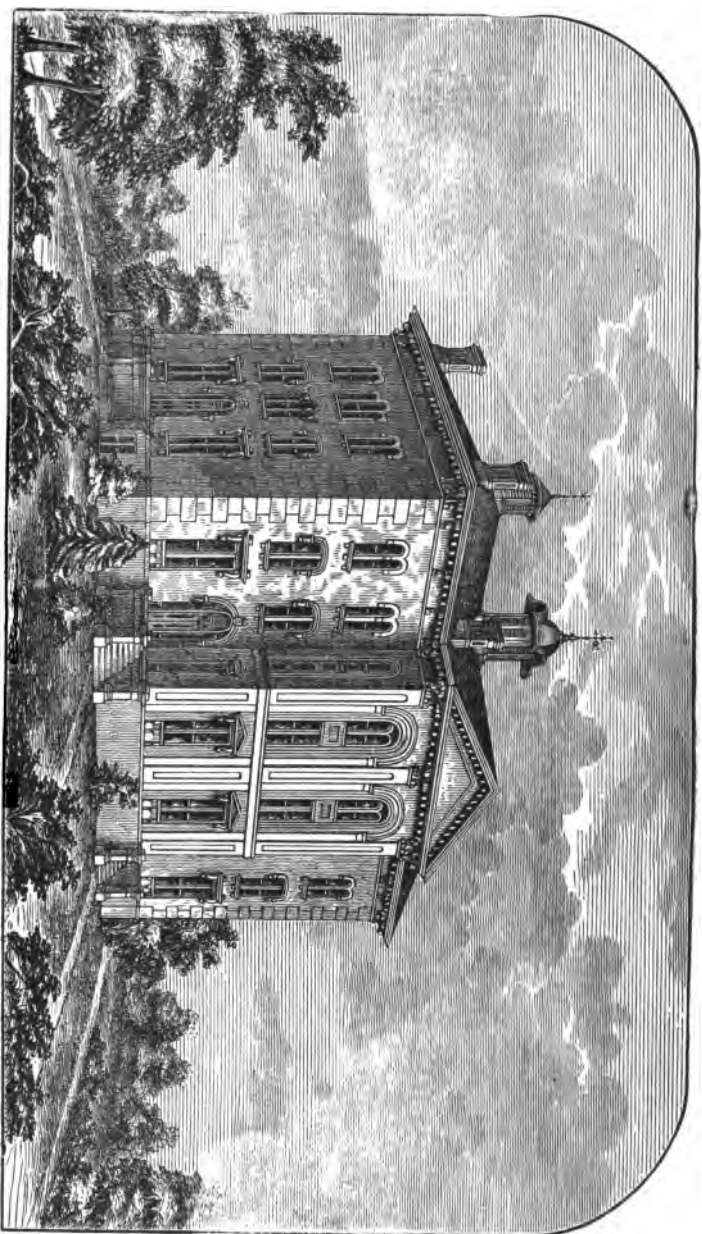
A A—Halls.
B B B—Furnaces.
C—Janitor's Room.

Fig. 3.—PLAN OF FIRST STORY.



A A—Halls.
B—Chapel, or Hall for general exercises.
C C C—Primary Rooms.
D D—Clothes Rooms.

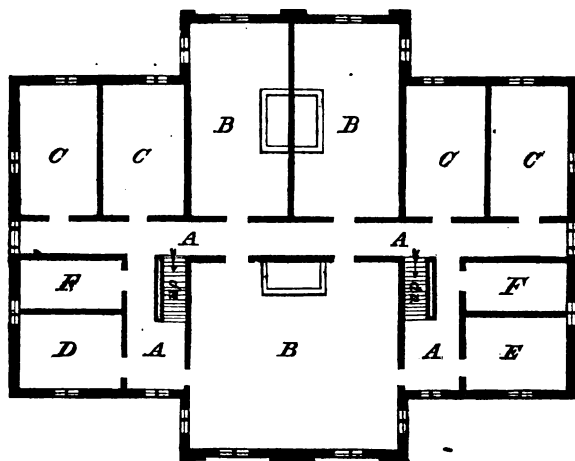
Scale 40 ft. to 1 inch.



EPISCOPALIAN UNION SCHOOL.

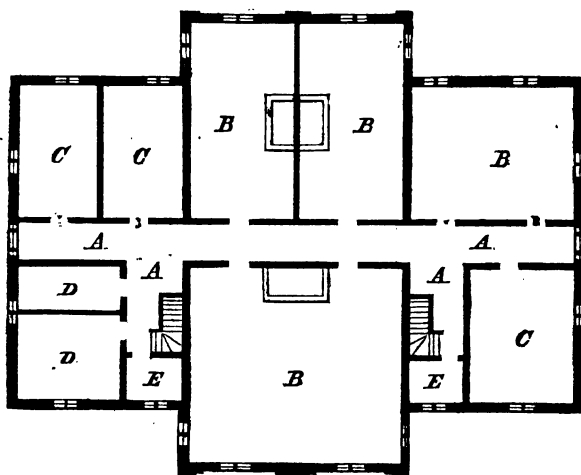
UNION PUBLIC SCHOOL, YPSILANTI, MICHIGAN.

Fig. 4.—SECOND STORY PLAN.



A A A A—Halls.
 B B B—Class Rooms.
 C C C—Recitation Rooms.
 D—Library.
 E—Apparatus Room.
 F—Clothes Rooms.

Fig. 4.—THIRD STORY PLAN.

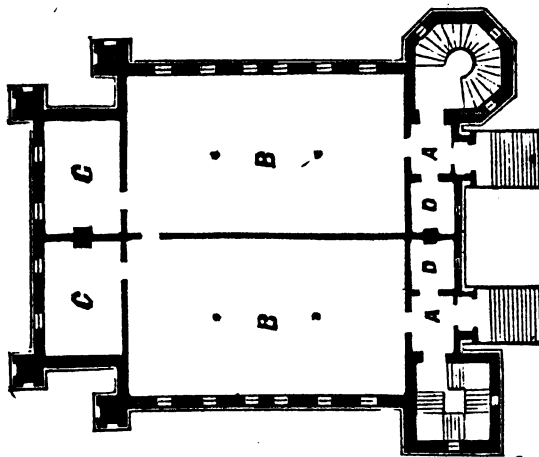


A A A A—Halls.
 B B B B—Class Rooms.
 C C C—Recitation Rooms.
 D D—Tutors' Rooms.
 E E—Clothes Rooms.

Scale 40 ft. to 1 inch.

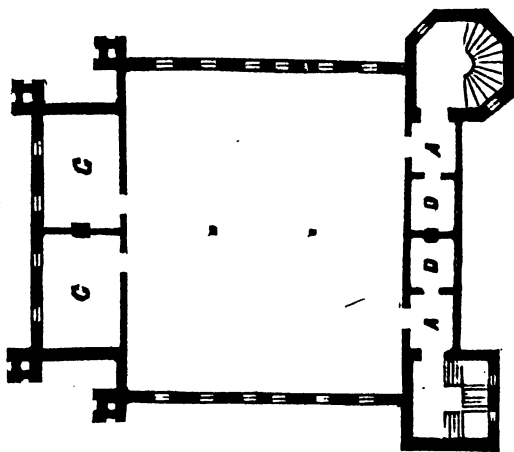
MONROE UNION SCHOOL-HOUSE.

As another variety, the plans of the *first* and *third* floors of the Monroe union school-house, are here reproduced. The *second* floor is the same in plan as the first, and need not, therefore, be shown.



Monroe Union School.—First Floor.

A A—Halls; B B—Class-rooms; C C—Recitation-rooms; D D—Clothes-rooms.

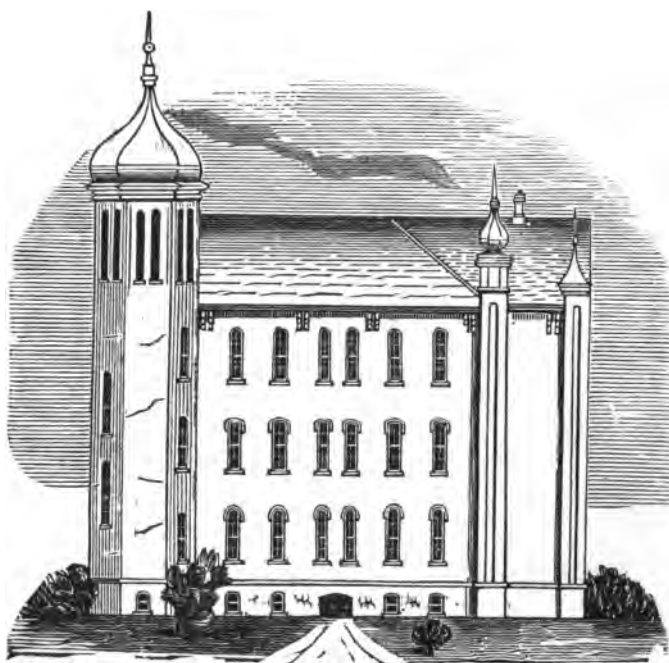


Monroe Union School.—Third Floor.

A A—Halls; C C—Recitation-rooms; D D—Clothes-rooms.

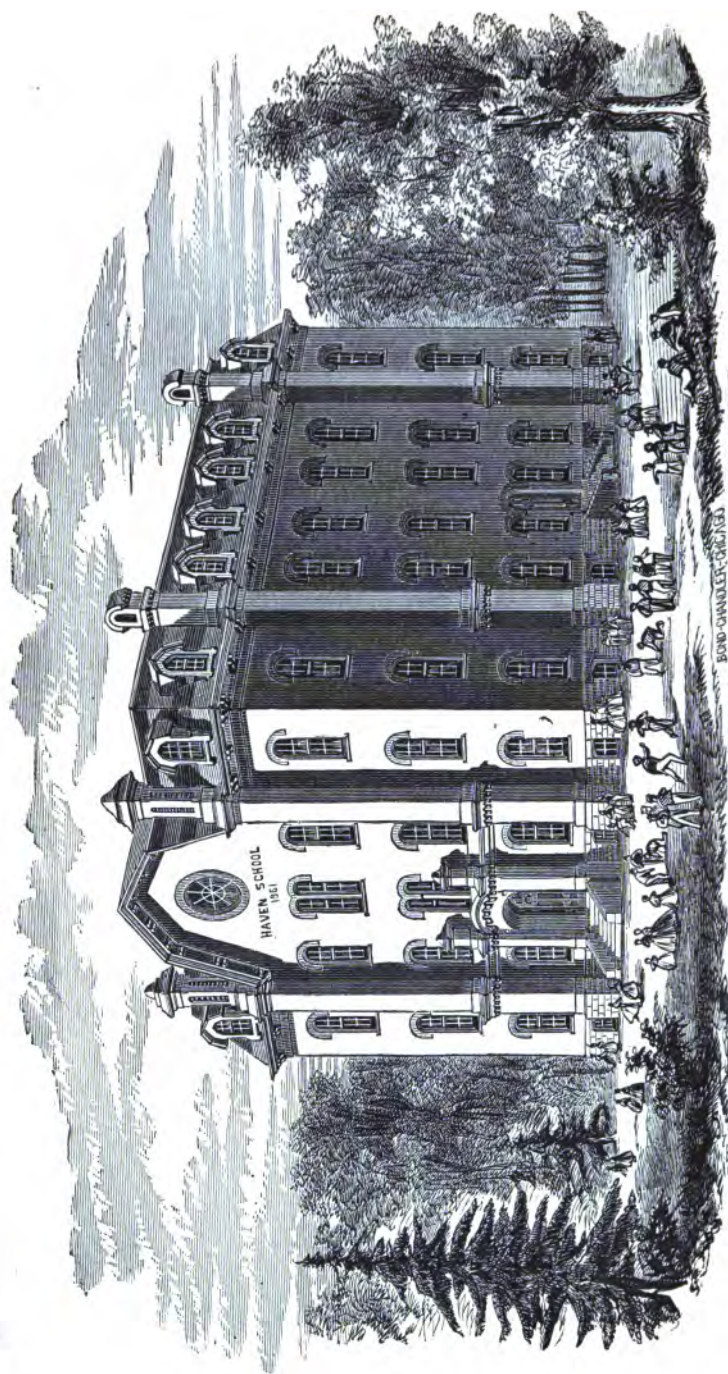


MONROE UNION—FRONT ELEVATION.



MONROE UNION—SIDE ELEVATION.



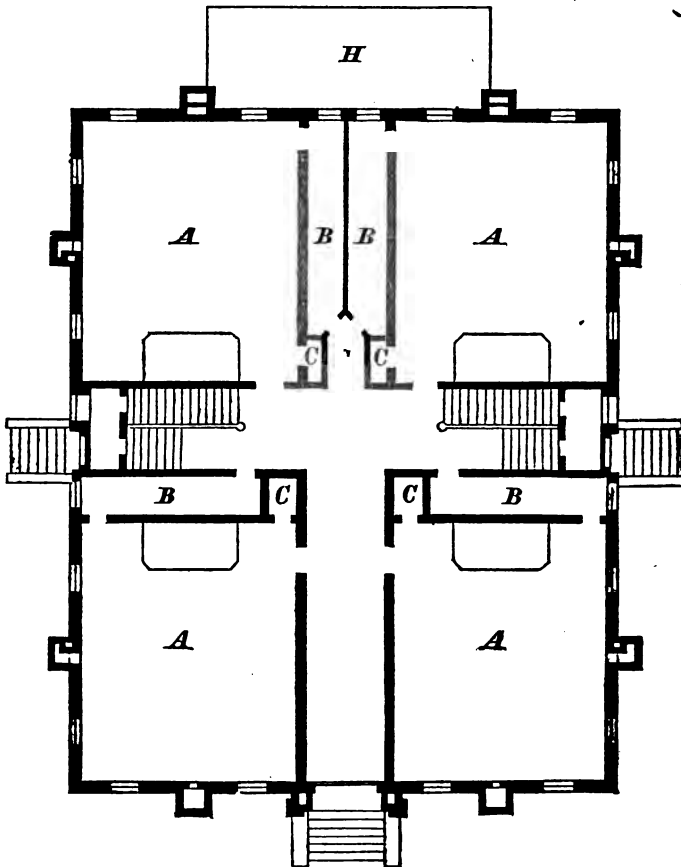


HAVEN SCHOOL-BUILDING, CHICAGO, ILLINOIS.

FROM CHARLES F. SMITH

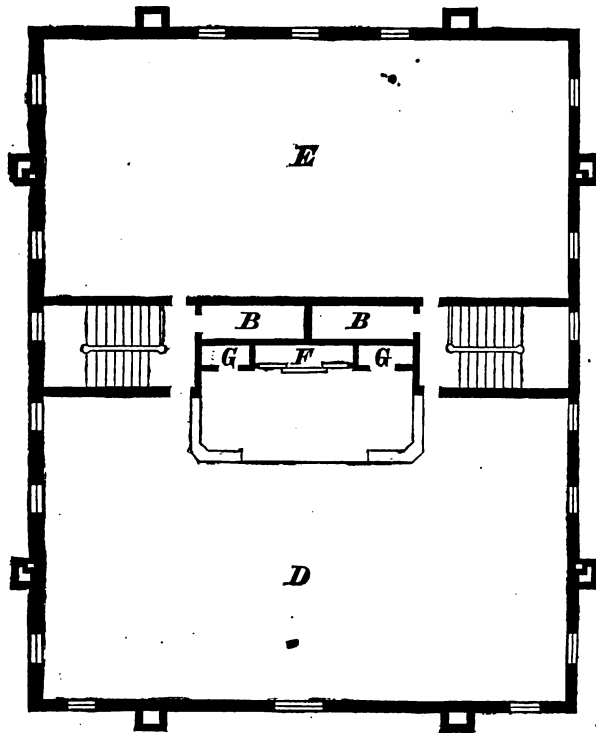
HAVEN SCHOOL-HOUSE, CHICAGO, ILL.

By the courtesy of the Architect, G. P. Randall, of Chicago, we are permitted to exhibit here the plans of the Haven school-house, Chicago, which is pronounced by Superintendent Wells the best school-house in that city. Only the *first* and *fourth* floors are shown here; the second and third floors being similar to the first. The arrangement by which the pupils pass through the wardrobes in going to or from the school-rooms, greatly facilitates the entrance and dismissal of the schools.



Haven School.—Ground Floor.

- A A A A—School-rooms.
 B B B B—Wardrobes.
 C C C C—Teachers' closets.



Haven School.—Fourth Floor.

The Haven school-building, Chicago, Illinois, was named after *Luther Haven*, President of the Board of Education of Chicago, at the time of its erection. It is located on Wabash avenue, on a lot with 150 feet front. The building is three stories high, with a basement and attic. The plans here shown are of the principal story and the attic; the latter of which (4th floor,) is 14 feet high in the clear, and contains a hall 66 feet by 38 feet 8 $\frac{1}{2}$ inches, for general exercises of the school, with closets for apparatus, teachers' closets, and wardrobes attached; and a gymnasium in which the female pupils of the school may exercise in inclement weather. Owing to the peculiar construction of the roof, this attic story is quite as serviceable for the purpose for which it was designed, as would have been either of the full stories, and it cost much less.

The basement is mainly divided into four large rooms, with corridors and stairways; one of the rooms being used for fuel and the balance as a place of recreation for the boys in foul weather.

The principal or ground floor has four school-rooms, each having a wardrobe and teacher's closet attached; spacious corridors, with entrances on each side of the house for pupils, and a principal entrance in front. The side doors do not open directly into the corridors, but into vestibules, from which other doors open to the corridors, and also to the stairways leading to the basement.

The second and third floors only differ from the first in having windows in place of the outside doors and vestibules of the first floor; and the second floor has a reception or principal's retiring room, about 10 by 20 feet, cut off from that part of the corridor toward the front of the house.

In passing to and from the school-rooms, the pupils will generally pass through the wardrobes. Each of these rooms are wainscoted from the floor about 2½ feet high, and the corridors and wardrobes from 5 to 7 feet, with boards, neatly grained and varnished, (as is all the interior wood-work,) and above this, on each side of the rooms, are black-boards.

The rooms are ventilated through the large ventilating shafts or buttresses in the exterior walls. The building is 68 by 86 feet on the ground, and each school-room 27 by 33 feet, and thirteen feet high. The exterior is in a plain Americo-Italian style of architecture; is entirely devoid of anything like ornamentation, save in its bold, projecting buttresses which form the ventilating and chimney shafts before mentioned; its deeply recessed doorway in front, with massive buttresses on each side; and its elegant *mansard* roof, the steep, sloping sides by which, covered with slate, and pierced with dormer windows, gives it altogether a unique and pleasing effect. Externally, the finish of the basement, to the principal floor, is stone. Above this the building is faced with red,

pressed brick, and has stone-dressings to doors, windows, buttresses, &c.

The building is warmed by a boiler located in a room at the rear of the building, H, rising no higher than the basement. The whole amount of pipe for the steam, is 13,294 feet; there being on each room 161 square feet of radiating surface, or one square foot of radiating surface to 75 cubic feet of air.

The Haven school-building is designed to accommodate 756 pupils.

LIST OF TEXT BOOKS

Recommended for the Public Schools of Michigan, by the Superintendent of Public Instruction.

The Superintendent of Public Instruction is required by law to publish "a list of such books as (he) shall think best adapted to the use of the primary schools, and a list of books suitable for township libraries." In accordance with this requirement, a list of recommended text books was published with the volume of laws issued in 1859. A fresh examination has induced several changes in this list, and the introduction of several new and more valuable books.

Among the numerous Text Books examined—each one having its peculiar excellences, and each one, too, its defects—none being perfect—it has often been a matter of great difficulty to arrive at a just conclusion as to the comparative value of any one book.

In making the selection, care has been taken—

1st. *To get the best books;* and,

2d. *To make as few changes as possible in the books already in use.*

Extensive changes would not only be expensive to the people, but would sacrifice something of that familiarity with the Text Books which greatly facilitates the work of the younger and less experienced teachers. Between Text Books of nearly equal merits, therefore, the preference has been given to those most widely in use.

Doubtless many defects will be found, and many objections will be urged against the books embraced in the list; but it is doubtful whether any books can be substituted in their place,

against which an equal number of objections might not be urged.. There is no book on the list which has not been successfully used in the school-room, and each one has received the high approval of teachers of known ability. The Superintendent, therefore, freely commends these books to the school boards of the State, as worthy of their confidence—as good practical books which any teacher of ordinary skill can use successfully.

The use of the books recommended by the Superintendent is not obligatory upon the districts, the right to prescribe authoritatively the Text Books for any district being vested by law in the district board of such district. The use of a diversity of Text Books in any one branch of study, in the same school, is so serious an evil, that district boards should exert all their influence and authority to abate it. If a teacher is compelled to hear two classes instead of one, recite daily in geography or grammar, simply because the pupils have different Text Books, half of the time devoted to that branch is wasted. Suppose the extra recitation occupies thirty minutes; in a week this amounts to three hours, or half of a school-day; in a year it amounts to twenty-six days, or one month, costing, at ordinary rates of wages, \$25 or \$30—all of which the districts pays to save the expense of the two or three new books necessary to enable the pupils to be classed together. But if we reckon not merely one extra class, but three or four, as often are found in a school in which a diversity of readers, arithmetics, geographies, &c., are allowed, the time wasted will be two or three hours a day, and thus the district is made to pay perhaps \$100 a year to save the purchase of new books which would generally in the aggregate cost less than \$10. If there be added to this the hurry and imperfection which must necessarily attend all the teaching where the teacher's time is divided between an undue number of classes, the magnitude of this too common evil may easily be seen. While a uniformity of Text Books throughout the State would be desirable, as affecting the uniformity in the

separate schools, *a uniformity in each school is a vital necessity to the welfare and success of the school.*

The law now makes it obligatory upon the district boards to adopt a set of Text Books for their schools, and to keep the same without change for two years. The list here recommended will aid the several boards in the discharge of this duty. It is not recommended that any school already supplied with a complete set of Text Books, shall make any change for the purpose of introducing the books upon this list. On the contrary, the district board of such a district should firmly resist every proposition for change, unless some more than ordinary advantage is to result therefrom.

Finally, in adopting a series of Text Books, much regard is due, and will be paid by a wise school board, to the judgment of a prudent and experienced teacher, especially if such teacher is somewhat permanently employed in the school. Many good teachers will doubtless dissent from some of the books on this list, and prefer others from which they, at least, can teach with greater efficiency and success; but the Superintendent confidently believes that the great body of the teachers of the State will, from a sincere desire to promote the interests of the schools, cheerfully concur in the adoption of this list, even though they may personally entertain a preference for other books.

ORTHOGRAPHY.

I have concluded to decline any recommendation of any spelling book, being firmly convinced that spelling may be much better taught by other means, and that the use of common spelling books is not only useless, but often pernicious. Spelling lessons may be taken from the Readers and other books, or made up by teachers.

As authorities in orthography and pronunciation, I recommend WEBSTER'S and WORCESTER'S DICTIONARIES.

WRIGHT'S ANALYTICAL ORTHOGRAPHY is a valuable book in the study of the analysis and composition of words.

READING BOOKS.

Several series of Readers, of various excellency, have appeared within a few years, of which I would mention the National Readers, by Parker & Watson; the Progressive Readers, by Town & Holbrook; the Union Readers, by Sanders; Sargent's Readers; Willson's School and Family Readers, and Hillard's Readers.

A common fault of all these series is the undue multiplication of books; each series embracing from five to seven books. A true series of Readers should not exceed three separate books. It is vain to attempt to provide a juvenile library in a series of readers. If children want something new to read, let it be furnished by a good school library. Let us have no more *Readers* than are necessary to teach reading as an art. Each additional *Reader* compels the organization of an additional class, and the consequent waste of time. All the pupils of an ordinary school may be properly graded and taught in *three* reading classes; or at least in four, two of which will be in the primary reader.

A good series of READERS may be made up as follows, viz:

WEBB'S PRIMARY LESSONS—a set of cards, with reading lessons in large type, to be used in teaching the beginners.

WEBB'S NORMAL READER, No. 1—one of the best primary reading books in the English language.

WEBB'S NORMAL READER, No. 2, is properly a continuation of the first reader, and may follow it in the course. The two make one good primary reader.

The National Third Reader, or Sander's Union Third Reader, may be taken for the classes of the next higher grade. The latter book is preferable for the simplicity of its reading matter, while the former excels in its elocutionary directions and exercises, and marks for pronunciation.

SANDER'S FIFTH UNION READER, OR THE NATIONAL FIFTH READER, may be used for the highest classes.

It is supposed in this that the children will read other books, drawn from district or Sunday school libraries, to exercise and ripen their knowledge of reading.

In the larger union schools, in which the pupils are organized in several successive grades, a larger series of readers may be desirable to provide a fresh book for each grade.

ENGLISH GRAMMARS.

WELCH'S Analysis of the English Sentence.

SILL'S Synthesis of the English Sentence.

These books are steadily gaining wider currency in the schools, and their value as Text Books is sufficiently attested by the success which attends their use. Their differences from the old grammars will be found, in most cases, simple advances beyond the older works, in the direction in which grammatical science is tending.

GREEN'S Elements of English Grammar.

GREEN'S Analysis of the Sentence.

These books will prove acceptable to those who are not familiar with the books first named, and may, therefore, prefer books nearer the old style.

RHETORIC AND COMPOSITION.

QUACKENBOS' First Lessons in Composition.

QUACKENBOS' Advanced Composition and Rhetoric.

WHATELEY'S Rhetoric.

KAME'S Elements of Criticism.

WILLSON'S Treatise on Punctuation.

MATHEMATICS.

STODDARD'S Juvenile Mental Arithmetic.

STODDARD'S Intellectual Arithmetic.

These books are warmly approved by our best teachers, and are generally used in the schools.

DAVIES' New School Arithmetic.

DAVIES' University Arithmetic.

These are good books, and are too generally in use in the State to warrant the expense of a change.

DAVIES' Algebras.

DAVIES' Legendre's Geometry.

Although several other excellent Text Books in Algebra and Geometry are now before the public, these works are still in general use in this State, and I see no sufficient reason to wish for a change. Robinson's Mathematical works will be found valuable for reference. His Algebra and Geometry are especially commended.

GEOGRAPHIES.

MITCHELL'S Outline Maps.

PELTON'S Outline Maps.

Every primary school should have a set of outline maps. For common schools, Mitchell's will be found sufficient. For graded schools, Pelton's, which are much larger and more expensive, will be found desirable. As all earlier teaching of Geography should be oral, no primary Geography is needed or recommended.

WHITE'S Local Geography.

This little book gives some valuable hints for the primary oral lessons, and is moreover excellently adapted to accompany the use of outline maps.

CORNELL's Grammar School Geography.

McNALLY's Geography.

WARREN's Common School Geography.

These books are mentioned because already in extensive use in the State. Each one has some peculiar excellences, and each one some defects.

WARREN's Physical Geography.

GUYOT's Wall Maps—a beautiful series of large outline maps for Physical Geography.

HISTORY.

WILLSON's History of the United States.

SMITH's History of Greece.

LIDDELL's History of Rome.

WEBBER's Outlines of History.

PENMANSHIP AND BOOK-KEEPING.

SPENCER's Writing Books.

BRYANT & STRATTON's Common School Book-keeping.

BRYANT & STRATTON's High School Book-keeping.

NATURAL SCIENCE, ETC.

WELLS' Natural Philosophy.

PORTER's Chemistry.

HITCHCOCK's Geology.

WOOD's Botanies.

HOOKE's Zoölogy.

LOOMIS' Pysiology.

BOUVIER's Familiar Astronomy.

ROBINSON's Astronomies.

GOADBY's Animal and Vegetable Physiology.

MORAL AND MENTAL SCIENCE.

COWDRY's Moral Lessons.

WAYLAND's Moral Science.

WAYLAND's Intellectual Philosophy.

MAHAN's Intellectual Philosophy.

WHATELEY's Logic.

LATIN AND GREEK.

ANDREWS and STODDARD's Latin Grammar and Reader.

KUHNER's Greek Grammar.

GERMAN AND FRENCH.

WOODBURY's German Course.

FASQUELL's Series of French Books.

APPARATUS, &c., FOR PRIMARY SCHOOLS:

• Black Boards.

A Terrestrial Globe, 8 by 10 inches.

HOLBROOK's Noiseless Drawing Slates.

School Register, to keep daily attendance, scholarship, &c.

The Universal School Register is well devised and cheap.

A set of SCHUSTER's Drawing Cards will be found of value.

A set of Mathematical Solids.

BOOKS OF REFERENCE.

Every school should be supplied with certain books for reference to answer the various questions that will frequently arise in the course of the studies and instruction. The following are especially recommended:

WEBSTER's Quarto Dictionary.

LIPPINCOTT's pronouncing Gazetteer of the World.

APPLETON's Cyclopedia of Biography.

The World's Progress: a Dictionary of Dates, Barnes & Burr.

Cyclopedia of the Useful Arts, A. S. Barnes & Burr.

Literature and the Fine Arts, A. S. Barnes & Burr.

URE's Dictionary of Arts, Manufactures, &c,

CHAMBER's Encyclopedia, a Dictionary of Universal Knowledge for the People,

APPLETON's New American Cyclopedia. ~

The last two works are somewhat large and expensive, but are very desirable for the larger schools.

BOOKS FOR TEACHERS.

BARNARD's Papers for Teachers; seven series.

PAGE's Theory and Practice of Teaching.

NORTHEND's Parent and Teacher.

The School and Schoolmaster.

ROOT's School Amusements.

NORTHEND's Teacher's Assistant.

HAMILTON's Essays on Education, &c.

HAMILTON's Lectures on Metaphysics.

Dr. LEWIS' Gymnastics.

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